Commission of Inquiry into the CFMEU and Misconduct in the Construction Industry

Rules Bundle

FINANCIAL MISCONDUCT CASE STUDY

16 JUNE 2026

RULES BUNDLE

Andrew Meagher SC and Jack Donnelly

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Commission of Inquiry into the CFMEU and Misconduct in the Construction Industry

A. Building Workers' Industrial Union of Australia (Queensland branch)

RULES BUNDLE
FINANCIAL MISCONDUCT CASE STUDY

16 JUNE 2026

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June 1957

JUNE 1957

B.W.I.U.

• RULES

Building Workers' Industrial Union of Australia

Queensland Branch

AMALGAMATED SOCIETY OF CARPENTERS & JOINERS OF AUSTRALIA

Queensland Branch

00013

The Rules herein were registered under the Trade Union Act of 1915 on June 21, 1957 and in the Industrial Court under the Industrial Conciliation and Arbitration Acts on June 25, 1957 and they are operative from and including those dates.

00014

BUILDING WORKERS' INDUSTRIAL UNION OF AUSTRALIA

(Queensland Branch)

Amalgamated Society of Carpenters and Joiners of Australia — Queensland Branch

★

- **State Management Committee:** L. Randall (President), L. Clark, F. Dawson, C. O. Butler, D. Clements.
- **State Secretary:** G. M. Dawson.
- **State Organisers:** A. T. Nicol, L. K. McMillan, J. R. Peterson, K. Loughlin, H. F. Newton.

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The Rules herein were registered under the Trade Union Act of 1915 on June 21, 1957 and the Industrial Conciliation and Arbitration Acts 1932-1955 on June 26, 1957. This Rule Book printed in January, 1958 supercedes all previous Rule Books

00015

THIS IS THE ORDER OF BUSINESS AT YOUR UNION'S MEETINGS

- President declares the meeting open for business.
- Minutes of previous meeting are read and adopted.
- New members are admitted.
- Minutes of the Sub-branch Committee are read.
- Correspondence read and discussed.
- Auditor's Report.
- Reports of Delegates.
- Secretary's Cash Account.
- Election of branch and other officers.
- Adjourned business — New business.
- Adjournment.

Address to be delivered by Sub-branch President to members on admission

"I have the pleasure to inform you that you have been admitted a member of the Building Workers' Industrial Union of Australia, Amalgamated Society of Carpenters and Joiners of Australia. Now that you have joined with us I trust that you will use your best endeavours to advance the interests of the industry you are engaged in, and may you long be spared to be a useful and militant member of this Society, with honour to yourself and justice to your fellow workers. Brother, I welcome you."

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Amalgamated Society of Carpenters and Joiners of Australia

(Queensland Branch)

RULES

RULE 1

NAME AND CONSTITUTION:

(1) "This Union shall be called the Amalgamated Society of Carpenters and Joiners of Australia, Queensland Branch, and shall consist of an unlimited number of persons whether Male or Female employed or usually employed as carpenters or joiners, including ship carpenters or joiners, together with officials of the Union."

(2) The seal of the Union shall be oval in shape inscribed in the outer edge the words "Amalgamated Society of Carpenters and Joiners of Australia" and it shall have on the inner space the words "Queensland State Management Committee."

RULE 2

OBJECTS:

The objects of the Union shall be as follows, viz:—

Funds: How Raised.

1. To raise funds by entrance fees, contributions and fines, from all members in the sub-branches of the Union, also by interest on capital.

The funds so acquired shall be used for the purposes set out in the registered rules of the Union.

Political Action, etc.

2. To improve the social and economic position of its members by industrial, political and independent working class educational sections or other constitutional means, provided in the rules of the Organisation.

Acquire Lands.

3. To provide for the acquisition of land or buildings for the Union's purposes; to assist in the establishment of any Union co-operative enterprise, or Building Trade Guild which may be decided upon by a two-thirds majority of financial members voting by ballot in the State.

Amalgamation.

4. To take all necessary steps to secure the federation or amalgamation of Unions whose members are engaged in the building industry into one Building Trade Union in the State by a majority of members voting in the State.

Legal Assistance.

5. To render legal and other assistance to members for the recovery of wages or compensation for injuries and to protect the interest of the trade.

Also to assist other trades by any legal methods subject to a majority vote of the members in the State.

6. To pay a funeral donation, and to compensate members as may be provided for under State Rules.

Information Bureaux.

7. To further any scheme which has for its object the establishment of Labour Research and Information Bureaux in the State.

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RULE 3

ENTRANCE FEE:

1. The Entrance Fee shall be 20/- or any other sum, as the Sub-Branch or State Management Committee may decide, but not more than 40/-.

MEMBERSHIP:

2. Application for membership shall be on the form provided, signed by the applicant and two financial members of the Sub-Branch, who shall first satisfy themselves that the applicant is a fit and proper person to enter the Union.

All applicants for membership in the Union if residing within a three mile radius of the Sub-Branch where they apply, must, unless a satisfactory reason is given attend the Meeting at which their application is considered.

3. All applications for membership shall be lodged together with the amount of Entrance Fee with the Sub-Branch Secretary, or such other person authorised by the S.M.C. Applications for membership shall be dealt with by the Sub-Branch or the S.M.C, who shall, if satisfied with the bona fides and Trade Qualifications of the Applicant, admit him to membership of the Sub-Branch as from the date of the Receipt of his application form by the Sub-Branch Secretary, or other duly authorised person.

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

5. Applicants for Membership shall be qualified workmen of good character and shall, when admitted to membership, enjoy all advantages of Membership so long as they comply with the registered Rules of the Union.

6. Any applicant who is a fully-paid up member of another Union, and who had previously been transferred from this Union to another Union, may be re-admitted on Clearance without Entrance Fee.

Any member entering this Union on Clearance from another Union, shall qualify for Benefits according to Rules.

7. Applicants shall, if possible, attend the next meeting of the Sub-Branch to which he makes application. Failure to attend shall not necessarily exempt the Candidate from election to membership.

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

9. All members shall be supplied with a copy of the Rules free of charge, but any member requiring a second copy shall be charged threepence (3d.).

RULE 4

CONTRIBUTIONS

1. Contributions shall be 40/- per half-year, payable in advance, part of such Contributions shall be used for the payment of producing Union Journals, and of posting same to the address of each financial member.

One shilling of each 40/- Contributions shall be retained by each Sub-Branch as a Benefit Fund, which shall be governed by uniform Rules drawn up by the State Management Committee, and each Fund shall be subject to audit and a copy of the Statement of Annual Receipts and Expenditure forwarded to the State Office.

One shilling shall be paid into the Contingent Fund, and used for the purposes, and in the manner laid down in Rule 25

Apprentices' Contributions and Entrance Fee.

2. Contributions by apprentices shall be two shillings and sixpence (2/6) entrance fee, and three shillings and sixpence (3/6) per half year for the first three years of apprenticeship, ten shillings (10/-) per half year for the fourth year of apprenticeship and fifteen shillings (15/-) per half year for the fifth year of apprenticeship.

Exemption from Contributions.

3. Branch Committees may grant exemption from Contributions to members who have been unemployed for more than Eighteen Weeks during any half year. Application for exemption must be made on prescribed form and proof of unemployment submitted with each application.

Aged and Infirm Members

4. All members over 65 years of age or who have had 25 years' continuous membership in the Union, who through physical infirmities, are unable to work continuously at the trade, may retain membership by paying 2/- per half year in advance, for which they shall be entitled to receive funeral benefit only, provided that this does not apply to members who are over 55 years of age when joining the Union. Members wishing to be placed under this Rule shall make application to the Sub-Branch Secretary.

When Unfinancial

5. Any member who fails to pay his contributions in advance on or before half-year night shall be deemed unfinancial. He shall not be entitled to any benefit, but 14 days' grace may be allowed.

Suspension of Benefits

Any member owing a half-year's contributions or more shall be suspended from Tool Benefit for two weeks from the date on which he makes himself financial.

Entrance Between Half-Year Nights.

6. Any member joining the Union between recognised half-year nights shall pay his contributions for the current half-year, and any amount paid in excess of the proportion due for the current half-year shall be credited to the member's next half-year's contribution.

Recovery of Arrears.

7. If any member allows his arrears to amount to two half-years' contributions, due notice shall be sent to his last known address, and the Sub-Branch Secretary shall take the necessary steps for the recovery of such arrears by legal process. All costs incurred in the recovery or attempted recovery of arrears of contributions shall be charged to the member concerned in addition to his arrears of contributions.

Resignation.

8. A member may resign his membership:
   (a) If he accepts employment in an industry other than that represented by the Organisation or
   (b) On giving to the Sub-Branch Secretary three months notice and the payment of all dues to the date of his resignation.

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

10. Any member joining an Employers Association or the staff of an Employer, and being employed on work other than that of a leading hand or Foreman, shall at once have his name removed from the membership list. Failure to give notice to the Sub-Branch Secretary within four weeks of accepting such employment shall render the member liable to a Fine not exceeding Five Pounds (£5).

Funds the Property of the Members Generally.

11. All moneys subscribed by the members shall be the property of the Union in Queensland, and not of the Sub-Branches to which the members respectively belong, and shall be held for and devoted to the payment of benefits specified in these Rules, and carrying out the objects of the Union. But any member or members, Sub-Branch, or Sub-Branches, seceding from the Union in Queensland, shall forfeit all claim to the benefits under our Rules, and to all moneys, books, and property held by or on behalf of the Union in Queensland.

RULE 5

REMOVAL OF OFFICERS:

1. The State Management Committee shall be under the control of the members. Any officer or member of the S.M.C. being charged, with neglect of duty, grave misconduct, or violation of the Rules of the Union may be suspended immediately by decision of the S.M.C. In case of an appeal against suspension the grounds for such suspension, together with the appeal of the officer suspended, shall, within two months of suspension, be fully set out, and submitted to the members by whom such officer was elected, for confirmation or rejection; such decision of the members to be final. Should there be no appeal against suspension the S.M.C. shall have power to dismiss or otherwise punish the officer concerned. Appeals under this rule must be lodged with the Secretary of the Sub-Branch to which the member belongs within fourteen (14) days of suspension or punishment.

2. The State Management Committee or any officer may be removed from office by resolution carried on a ballot by three-fourths majority of the members of the Branch, and in the event of any officer or members being removed from office an election must be held within one month of such removal from office in accordance with Rule 19.

RULE 6

BANKING AND EXPENDITURE OF FUNDS:

1. All moneys of the Union in Queensland shall be banked by the State and Sub-Branch Officers in the Commonwealth Bank of Australia, or such other Bank as the S.M.C. may decide.

2. All expenditure from the funds shall be in accordance with the Rules of the Union in Queensland and no expenditure shall be permitted for any purpose contrary to the objects of the Union in Queensland.

RULE 7

AUDIT OF ACCOUNTS:

The account of the S.M.C. and Capital City Sub-Branch shall be audited yearly by a Public Auditor or Accountant. The Accounts of other Sub-Branches shall be audited half-yearly in the manner provided in Rule 12, Clause 17.

RULE 8

REGISTERED OFFICE:

The Registered Office of the Union in Queensland shall be at the Trades Hall, Edward Street, Brisbane.

RULE 9

A register of members in the State shall be kept in the Registered Office in each State.

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

RULE 10

STATE MANAGEMENT COMMITTEE

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

They shall appoint delegates to attend Federal Conference of the Building Workers' Industrial Union of Australia.

Qualification for S.M.C. and Period of Office.

2. They shall consist of five members, three to form a quorum. No member of less than three (3) years' continuous membership in the State of Queensland shall be eligible for election to the State Management Committee. They shall be elected and continue in office for a period of three (3) years.

The S.M.C. shall meet in the Trades Hall, Brisbane for the purpose of controlling the Union's business.

Any two members of the State Management Committee may by notice in writing addressed to the President require him to summon a special meeting of the State Management Committee.

3. The State Management Committee shall elect from its members a Branch President. In any election every member of the State Management Committee shall be given an opportunity of voting whether present or not.

Duties—Branch President

The duties of the Branch President shall be as follows:—

(i) The Branch President shall preside at all meetings of the S.M.C., State or Special Conference, and at meetings convened by the State Conference or S.M.C.

(ii) He shall carry out such duties as may be assigned to him from time to time by the S.M.C., and by the State Secretary acting on their behalf.

(iii) He shall conduct the business in accordance with the standing orders and rules of debate.

(iv) He shall, upon the minutes being confirmed, sign the minute book in the presence of the meeting, and he shall have the meeting, by resolution, endorse or reject all accounts submitted for payment.

S.M.C. Executive

4. In the event of the majority of S.M.C. being resident at such distances from the Office of the S.M.C. as to make weekly or more frequent meetings of the S.M.C. impracticable the three members residing nearest to the Office of the S.M.C. shall form an Executive, two to form a quorum, which shall have such powers as the S.M.C may decide. The minutes of each Executive Meeting shall be immediately forwarded to each member of the S.M.C. and all Sub-Branches

Secretary's Term of Office

5. The State Secretary shall be elected and remain in office for a period of three (3) years. He shall also be Secretary of the Capital City Sub-Branch, provided that should the income of the S.M.C. and Capital City Sub-Branch be insufficient to meet expenses, the services of the Secretary may be temporarily dispensed with at the discretion of the S.M.C., provided that when the Brisbane Sub-Branch income exceeds £2,000 they may appoint a Secretary-Organiser.

6. The State Secretary shall not be eligible for election to the State Committee unless he resigns his position as State Secretary.

Delegation Approval

7. No Sub-Branch shall have the power to delegate any member on Union business for any period above one week in any half-year without first obtaining the approval of the State Committee. Any infringement of this Rule by any member or Sub-Branch shall be deemed misconduct, and members or Sub-Branches infringing this Rule may be fined by the S.M.C. any sum not exceeding £10. This Rule shall not affect the Rule allowing 10 per cent. of the Sub-Branch Income to be used for local organising.

Amalgamation

8. Notwithstanding any other Rule of the Amalgamated Society of Carpenters and Joiners of Australia (Queensland Branch), the Queensland State Management Committee shall, whenever a Ballot upon the Amalgamation of Building Trade Unions is carried by a majority of members voting in favour thereof, take all necessary legal and other action to implement the decision of the members.

Interpretation of Rules

9. The S.M.C. shall interpret all Rules requiring interpretation.

State By-laws

10. The S.M.C. shall have the power to frame its own by-laws for the guidance of the Sub-Branches provided always that they do not conflict with the Rules of the Union in Queensland. Such By-laws upon being adopted by a majority vote of the members voting, shall be working Rules within the State, after being registered by the Registrar of Trade Unions.

Legal Proceedings

11. The trustees of the Union after being authorised by the S.M.C. shall be empowered to take legal proceedings for recovery of arrears of contributions and fines, breaches of Awards and recovery of Accident compensation.

12. The State Committee may, provided the funds of the S.M.C. are sufficient to meet the additional expense, appoint one or more Organisers.

13. On receiving from the Sub-Branch Secretary the names and all particulars of any members in arrears, they shall within fourteen days of the meeting of the S.M.C at which the name is received, place the matter in the hands of their Solicitor for action for recovery.

Control and Suspension of Members

14. They shall exercise general control over the members, and shall have power to fine or expel any member found guilty of violating the trade or any local district Rules, and shall have power to suspend from benefit, for any period, the member who, after investigation by the S.M.C., has been found guilty of acting contrary to the policy of the Union. The S.M.C. shall immediately notify the Sub-Branch to which the member belongs of such suspension.

A fine imposed under this rule shall not exceed £5 and any action taken against a member shall be in accordance with the provisions laid down in Rule 16.

Transfer of Members

15. They shall have power to order the transfer of any member from any Sub-Branch under their jurisdiction to any Sub-Branch in Queensland, when, in the opinion of the S.M.C., such transfer is necessary for proper industrial control.

16. They shall have power to grant donations from the Contingent Fund when application has been made in accordance with the provisions of Rule 26.

Aggregate Meetings

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

Sub-Branches of not less than 50 members may be formed at the discretion of the S.M.C., subject to Rule 12, Clause 12, excepting where the interest of any certain industry preclude the establishment of 50 members in the formation of a Sub-Branch.

Delegates' Meeting

18. Whenever it is necessary to obtain the opinion of members in any district with five hundred (500) members and upwards, it may be done by special Summoned Meetings of the Sub-Branches in such district, when delegates shall be elected from each Sub-Branch in proportion to the Sub-Branch membership in accordance with the following scale: Under 100 members, one delegate; 100 and under 250 members, two delegates; 250 and upwards, three delegates; who shall be paid according to Rule 24.

Delegate Convention

19. (a) The S.M.C. shall convene at regular intervals not more than each two years (but at earlier intervals should it be deemed necessary) a State Delegate Convention consisting of delegates elected from Sub-Branches and jobs throughout the State and also comprised of members of the S.M.C. and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates, Sub-Branches and jobs may elect to attend such Convention shall be determined by the S.M.C. from time to time.

(c) Items for the agenda of the State Delegate Convention shall be called for at least two months before Convention assembles, and be in the hands of delegates to Convention at least seven days before Convention commences.

(d) The State Delegate Convention shall, from time to time, determine the policy of the Union to be observed by the membership and by the S.M.C.

(e) The State Delegate Convention shall have the power to recommend in the same way as a majority of Sub-Branches may do under the rules that a referendum of the membership be taken on any rule or rules of the union subject always to the directions in such rules.

Special Auditors

20. The S.M.C. may at any time appoint two Auditors to audit the books of any Sub-Branch under their jurisdiction.

Control of Organisers

21. They shall have control over the Organisers, and shall have power to call on the Capital City Sub-Branch Secretary to perform any duty that may arise which does not interfere with his duties as Sub-Branch Secretary.

22. In districts where an Organiser-Secretary has been appointed or elected, he shall be under the control of the Sub-Branch he visits for organising purposes only, for the period allotted them by this District Committee.

23. No fully paid official other than the Secretary shall hold a position on the S.M.C.

S.M.C. Finance and Contingent Fund

24. The S.M.C. shall have control of the property in their State, and, in addition to the provision of Rule 4, Clause 11, shall draw from each Sub-Branch, Job Stewards and Organisers the total contributions, entrance fees and fines collected.

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

The State Management Committee may disperse monies for the purpose set out in the objects of the Union. The surplus funds or other property of the Sub-Branch shall be vested in the Sub-Branch Trustees and such funds may be invested from time to time in such manner as may be determined by the State Management Committee. No donation exceeding £100 shall be made from the Contingent Fund without the sanction of a majority of the Sub-Branches in Queensland.

Affiliation

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

26. Each S.M.C. when elected to office shall, within the first six months, take a vote of the membership with the object in view of the formation of one Big Union in the Building Industry.

27. District Committees may be formed and shall have local autonomy in such matters as the full State Committee may determine in the form of Working Rules for the district.

Delegating Powers

28. If, for any reason, the S.M.C. consider it desirable that a Sub-Branch should have powers (in any matter) equal to the powers of a S.M.C., they may confer such powers on the S-B.C. of the Sub-Branch, and may revoke such powers when they decide fit.

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

Trustees

30. With the exception of the State Secretary, who shall also act as Treasurer, the S.M.C. shall appoint their own officers. They shall elect four (4) Trustees one of whom shall be the State Secretary (any two with the State Secretary to operate), and a Chairman, who shall have a deliberative vote only.

RULE 11

DUTIES OF SECRETARY OF THE STATE MANAGEMENT COMMITTEE—CONTROLLED BY S.M.C.

1. He shall be under the control of the S.M.C., and shall devote the whole of his working time to the business of the Union provided the S.M.C. income is sufficient to pay the salary provided in Rule 10, Clause 1.

He shall be the registered (State) Officer to sue or be sued on behalf of the Union in his State in regard to any legal matter within the State in which his S.M.C. has jurisdiction.

He shall keep a correct record of the members in his State and shall, when instructed by the S.M.C., sue for the recovery of arrears of contributions or other moneys due to the Union by the members in his State.

The State Secretary shall keep or cause to be kept proper books of accounts showing the receipts and expenditure of the Branch, and separate accounts of receipts from all Sub-Branches, and also correct records of all monies received or paid on account of any particular fund, and separate accounts of all management expenses and of all contributions on account thereof, as required by the Queensland Trade Union Act of 1915 and amendments thereof.

The State Secretary shall endorse all vouchers for payment certifying to their correctness, and shall prepare a balance sheet in accordance with Rule 11 (2).

The State Secretary shall submit to each meeting of the State Management Committee an interim statement of receipts and payments made up to the end of the week preceding the meeting.

Wages Boards

2. He shall attend to all Wages Board, Arbitration Court, and other legal matters coming within the jurisdiction of the S.M.C. He shall keep all books and documents necessary to a proper working of the office of the S.M.C. He shall prepare a half-yearly report and also a yearly balance sheet showing the income and expenditure for that term, and upon the same being audited and adopted by the S.M.C., he shall send a copy to the Sub-Branches over which the S.M.C. has jurisdiction.

He shall prepare and forward to the Registrar of Trade Unions all returns required by law.

Neglect of Duty

3. Should he fail to carry out his duties to the satisfaction of the S.M.C., he may be dealt with by such committee in the manner prescribed in Rule 5.

Resignation or Removal

4. In the event of his desiring to resign, he shall give at least one month's notice or be fined five pounds (£5). Upon resigning or being removed from office, according to Rule 5, he shall, within seven (7) days, deliver up to whatever person the S.M.C. may appoint, all books, documents and other property of the Union then in his possession. Before the books are handed over to his successor in office they shall be audited.

RULE 12

POWERS AND DUTIES OF SUB-BRANCHES.

1. For the convenience of members, Sub-Branches may be opened in any town in the State. No Sub-Branch shall be opened without the consent of the S.M.C. Each Sub-Branch shall have power to elect its own officers, make its own by-laws (if necessary), with the consent of the S.M.C. and generally to control its own business.

Such By-laws shall not become operative until registered under the provisions of The Trade Union Act of 1915.

When Disbanded

2. In no case shall any Sub-Branch close or disband without the authority of the S.M.C., in which case all cash or other property shall be handed over to the S.M.C.

Visiting Members

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

Clearances

4. Any member entering a Sub-Branch by clearance shall not have a vote in that Sub-Branch until his clearance has been accepted by such Sub-Branch.

5. No Sub-Branch shall hold its meetings in licensed premises where alcohol is sold.

6. Sub-Branches shall accept a transfer for any member, and issue a transfer for any member who applies for same, subject to the provisions of Rule 13, Clauses 3 and 4, and all arrears of contributions shown on the clearance card sent from a Sub-Branch in one State to a Sub-Branch in another State shall be collected and retained by the Sub-Branch to which the members have been transferred.

7. Each Sub-Branch may obtain a room and a safe and/or steel cabinet and office equipment for the safe keeping of sub-branch property provided the S.M.C. is advised of the cost of such facilities and has approved whatever payment is necessary to secure such facilities.

Interpretation of Rules

8. Should any Rules require interpretation, or be not clearly defined, they shall be sent to the S.M.C. for their decision. All such decisions shall be inserted in the minute book of the Sub-Branch.

Resolutions to S.M.C.

9. Resolutions to the S.M.C. shall be submitted in writing to the S-B.P., and the number of members present, and the numbers of votes for and against such resolution, shall be stated when the resolutions are sent to the S.M.C.

Correspondence Confidential

10. All communications or copies of correspondence from the S.M.C. shall remain the property of the Union and information relating to the same shall not be divulged to any outside body or bodies without first obtaining the sanction of the S.M.C.

Sub-Branches Allowed

11. In all country towns there shall be only one Sub-Branch. Each capital city shall have only one Sub-Branch, and no other Sub-Branch shall operate within a radius of five miles of the meeting place of the City Sub-Branch except with the consent of the S.M.C.

Sub-Branch Officers

12. Sub-Branches shall elect a President, Vice-President and a Secretary, who shall also act as Treasurer. Sub-Branches with a membership of more than 100 shall elect a Money Steward, who shall operate only on Half-year Nights. They shall also elect three (3) Trustees (any two to operate), Doorkeeper, and five (5) Committeemen; Trustees or Doorkeeper may also hold office as Committeemen. The Sub-Branch Secretary shall appoint Sick Stewards as they are required.

13. Any member neglecting the duties for which he is elected, shall, unless a satisfactory apology is furnished, be fined by his Sub-Branch or S.M.C., any amount not exceeding five pounds (£5).

14. Any officer of a Sub-Branch, member of a Committee, or delegate elected by such Sub-Branch, who is absent from three consecutive meetings, shall be deemed to have vacated his seat and the Sub-Branch shall fill the vacancy at the next meeting.

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Meetings: When Held

15. City Sub-Branches shall meet fortnightly to transact business.

Suburban and Country Sub-Branches, with the consent of the S.M.C., may vary this Rule to suit their convenience. The time of opening and closing meetings to be at the discretion of each Sub-Branch.

16. The Books of each Sub-Branch, except Capital City Sub-Branches, shall be audited by two auditors. Where Sub-Branches are situated in metropolitan areas, one auditor shall be appointed by the S.M.C., and one shall be elected by the Sub-Branch. In all other Sub-Branches, two auditors shall be elected by the Sub-Branch.

17. Sub-Branches shall have power to strike a levy of not more than £2 for purely local purposes, provided due notice thereof has been given to members and provided that two-thirds of the members voting shall decide in favour of the levy. Voting shall be by ballot of the members of the Sub-Branches concerned.

18. Any member residing within a three miles' radius of the meeting place of the Sub-Branch who fails to attend a Summoned Meeting shall be fined a sum not exceeding 3/-, unless a satisfactory excuse is tendered.

19. The Sub-Branch President and Secretary may and on requisition signed by ten per cent. of the members of the Sub-Branch shall call a special meeting of the Sub-Branch. No business shall be transacted at such a meeting other than the business set out in the requisition or in the notice calling the meeting.

20. Sub-Branch By-laws shall be registered under "The Trade Union Act of 1915". The precise location of all meetings at which the business of the Sub-Branch shall be conducted shall be published six months in advance in the notice published half-yearly for that purpose. Copy of each such half-yearly notice shall be filed forthwith with the Trade Union Registrar.

RULE 13

DUTIES OF SUB-BRANCH OFFICERS AND COMMITTEES:

(a) Sub-Branch President

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

Bank Book; Countersign Orders for Payments; Branch Resolutions

2. He shall sign the Sub-Branch minutes of the previous meeting, after they have been confirmed by the Sub-Branch. He shall examine the Sub-Branch bank book each meeting night (when such book is not held by the bank) and report to the Sub-Branch the result of each banking transaction, the record to be inserted in the Minute Book. He shall countersign all orders for payment of money authorised by the Sub-Branch, and all orders for remittances to the S.M.C. when requested to do so by the State Secretary, and for capitation fees due to the S.M.C. under Rule 10, Clause 24. He shall also cause to be recorded in the minute book the number voting for and against all suggestions for alteration of Rules, or resolutions intended for the S.M.C. and the numbers present when the vote is taken.

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(b) Sub-Branch Secretary

Correspondence; Keep Account of Income and Expenditure; Clearances

1. The Sub-Branch Secretary shall attend all meetings of the Sub-Branch or Committee. He shall conduct all correspondence and take the minutes of Committee meetings. He shall be responsible for the collecting of contributions, fines, and other money due to the Union by members of his Sub-Branch. He shall keep a clear and correct account of all receipts and expenditure in connection with the Sub-Branch. He shall register carefully the name, age and residence of every member, and shall, within one month, forward to the State Secretary, correctly filled in registration cards for all members admitted into the Sub-Branch, and also transfer cards for all members leaving the Sub-Branch. He shall also notify the State Secretary of all resignations and deaths.

Balance Sheets

2. He shall prepare, in duplicate, a half-yearly balance sheet and report, setting out all income and expenditure incurred during the period covered by such balance sheet, one copy to be forwarded to the State M.C. within seven days after the half-yearly meeting. He shall close his books immediately after the first meeting night in June and December and the contributions for the next ensuing half-year shall be due and payable on the second meeting in the months of March and September. He shall give every facility to the Auditors to examine all books and papers in connection with the Sub-Branch. He shall read out to the Sub-Branch a fortnightly cash account. He shall be the custodian of the official stamp of the Sub-Branch, and be ex-officio member of all sub-committees, but shall not have a vote on any matter in which he is personally or financially interested.

Half-Yearly Summons

3. He shall supply all necessary advice to the State Office to enable it to advise the Sub-Branch members of the time, place and date of the half-year meeting, which shall be in March and September of each year and the second meeting of the month where fortnightly meetings are held and the State Secretary shall forthwith notify all Sub-Branch members thereof. He shall supply all details to the State Office to enable it to advise members in arrears. Special meetings of the Sub-Branch may be called as decided by the Sub-Branch. He shall perform all clerical and other duties appertaining to the position of the Secretary.

All Sub-Branch meetings called in accordance with this sub-clause shall be held at the place fixed by Rule 12 (20) for conduct of the business of the Sub-Branch.

Suspended Members

4. Members who owe one year's contributions shall be regarded as having broken their membership which shall be suspended. The State Office shall be advised regarding such members. They shall not be included in returns of membership or recognised when computing the number of members in the Sub-Branch.

5. He shall accept all clearances (that are permitted) from other Unions, also transfers from other Sub-Branches or other States, and shall issue transfers for any members applying for same. He shall also transfer all members who do not comply with Rule 15, Clause 2, to the Sub-Branches nearest to which they reside.

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

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Pay Benefits

6. He shall pay all benefits according to Rules 22 and 23, and he may be made to refund all expenditure that is made contrary to the provisions of these Rules. All dues to S.M.C. to be paid within four weeks of the closing of the books at the end of the half-year.

Monthly Report

7. He shall, within one month of the closing of the half-yearly accounts, forward to the S.M.C. the contributions due under Rule 10, Clause 24. He shall also forward at the same time to the S.M.C. the amount deducted from members' contributions for the Contingent Fund.

Resignation or Removal

8. In the event of resigning he shall give one month's notice, or be fined 10/-, except in the case of illness or removal from the town. On his resignation or being removed from office, or on demand of the S.M.C., or whomsoever they may authorise, he shall, within seven days, deliver up all books, documents and property of the said Sub-Branch to the S.M.C. or Trustee. Before the books are handed over to his successor in office they shall be audited.

Neglect of Duty

9. Should he fail to carry out any of his duties to the satisfaction of the Sub-Branch it shall, upon the matter being reported, refer it to the Sub-Branch Committee, who shall investigate it and report to a subsequent meeting, which shall have power to deal with him according to the provisions of Rule 12, Clause 14.

(c) Vice-President

He shall record the minutes of all Sub-Branch and special meetings and shall preside over meetings in the absence of the Sub-Branch President.

(d) Doorkeeper

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

(e) Sub-Branch Trustees

1. Three Trustees shall be appointed, any two to operate, who shall be elected annually, and in whose joint names shall be banked the funds of the Sub-Branch. They shall sign cheques for such sums as the Sub-Branch may vote. All cheques to be counter-signed by the Secretary. Should a vacancy arise from any cause whatever, such vacancy shall be filled at the next Summoned Meeting of the Sub-Branch.

2. The trustees shall have all powers and immunities conferred on such Trustees by Trade Union Acts.

(f) Sub-Branch Auditors

Auditors shall be appointed at the meeting preceding the half-yearly one, in accordance with Rule 12, Clause 17, to examine all books documents, etc., relating to the financial affairs of the Sub-Branch during the six months, and to submit and report same at the half-yearly meeting.

(g) Sub-Branch Committee

There shall be a Committee of five for general purposes in every Sub-Branch, who shall meet when required on being summoned by the Sub-Branch Secretary, three to form a quorum. The President

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and Secretary of the Sub-Branch shall be ex-officio members of the Sub-Branch Committee. The President shall have a casting vote only, and the Secretary shall have no vote. The minutes of the proceedings shall be signed by the Chairman at the close of each meeting, and submitted to the next Sub-Branch Meeting for confirmation or otherwise. If necessary they shall examine and determine claims for lost tools. In the event of a member being charged with acting contrary to the policy of the Union the Sub-Branch Committee shall have power to refuse payment of any benefit to such member until the charge has been investigated by the S.M.C. and its decision conveyed to the Sub-Branch. They shall hear and decide all cases of appeal from a member against an officer of the Sub-Branch. In the case of isolated Sub-Branches, the S.M.C. shall have power to confer on Sub-Branches the power of an M.C. Any member of a Sub-Branch Committee who is absent from three consecutive meeting shall be deemed to have vacated his seat, and the Sub-Branch shall fill the vacancy at the next meeting. The Committee shall meet at least once per half-year for the purpose of drawing up an Agenda and making a report of the half-year's work for the half-yearly meeting of the Sub-Branch.

(h) Sick Stewards

Sick Stewards shall, when instructed by the S.B.S. visit any member who is sick or who has met with an accident, and report to the next Sub-Branch meeting.

(i) Returning Officers and Scrutineers

1. The Sub-Branch Returning Officer shall be responsible for the conduct of Sub-Branch elections. He shall procure all ballot papers, initial same, and issue to the member entitled to vote. He shall, if necessary, have a casting as well as a primary vote.

2. All ballot papers must be returned by 9 p.m. on meeting night, and counted as soon as possible in the presence of two scrutineers. The result to be declared immediately count is complete.

3. Scrutineers shall attend all meetings at which elections are being conducted, and assist the S.-B.R.O. in all matters connected with the elections.

(j) Money Stewards

The Money Stewards shall attend the Sub-Branch meetings punctually at the time of commencing of business, and shall take money and issue receipts to members.

RULE 14

ELECTION OF SUB-BRANCH OFFICERS:

1. The election of all Sub-Branch Officers shall be held on the yearly meeting nights in March, which shall be by ballot of all members present at the meeting; no distinguishing figure or mark to be on ballot papers, same to be initialled by the Returning Officer.

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

3. Candidates for office shall be financial members of 12 months' standing in the State and shall be proposed and seconded by two financial members. Nomination shall be accepted on the meeting night prior to the date of election; failing nominations for any office on the night prior to the elections, nominations for such office may be accepted at the meeting on the night of election. All candidates shall give consent in writing or be present at the meeting when nominated. Nothing in this Rule shall apply to fully paid officers.

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RULE 15

DUTIES OF MEMBERS:

1. No member shall call on or write to any S.-B.S. at the works where he is employed.

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

3. Members changing their residence and not informing the S.-B.S. in writing within three months of such change of address, unless a satisfactory reason is given, shall be fined not more than 2/6.

Qualification to Hold Office

4. No member, who is not a carpenter and/or joiner or machinist, and bona fide and actual employee in the trade, shall be eligible to hold any position in connection with this Union; but this condition shall not apply to any member or officer who is directly employed by this Union.

5. Members claiming benefit under Rule 22 shall attend the Sub-Branch meeting at which the claim is being considered unless reasonable excuse is forwarded.

RULE 16

MISCONDUCT OF MEMBERS:

(a) Any member violating any registered rule or by-law of the Union may be fined a sum not exceeding £2 by the Sub-Branch. Should, however, the matter be referred to the State Management Committee, they shall have power to fine the member an amount not exceeding £5, expel him from membership or suspend him from benefit for a period of not more than six months for such an offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the rule of the Presiding Officer, may be fined a sum not exceeding 20/- and should he persist, the Presiding Officer shall have power to call on the members to expel him from such meeting until such time as the fine is paid and an apology is tendered for such conduct.

(c) A member shall not take any grievance in which he is personally concerned to any person or persons outside the Union prior to the case being dealt with by the responsible body, in accordance with these Rules.

(d) It shall be competent for the State Management Committee to inflict a fine not exceeding £2, suspend from benefit, or expel any member from the Union upon satisfactory proof being given that such member has refused to comply with their decision, or acting contrary to the interests of the Union, or who has by his conduct brought the Union into discredit, or has wilfully violated the recognised trade rules of the district in which he is working.

(e) Charges under these Rules shall be made in writing within one month of the discovery of the incident to which it refers, to the Sub-Branch or State Management Committee. The member so charged shall be summoned to attend a meeting of Sub-Branch Committee or State Executive, or State Management Committee, by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be sufficient if posted to his last known place of abode not less than five days before the date of such meeting. At the appointed time and place the charge shall be investigated, either by the Sub-Branch or State Executive or State Management Committee, whether or not the member shall be in attendance. The decision

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of the Sub-Branch or Executive shall be binding on the member, subject to the right of appeal to the State Management Committee whose decision shall be final in all matters whether by appeal or otherwise. All meetings, in accordance with this sub-clause, shall be held at the place, fixed by the Registered Rules for the conduct of the business of the Branch or Sub-Branch.

(f) Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with by the State Management Committee provided that the maximum fine that may be imposed shall not exceed $5.

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

(h) No member, or members conjointly, shall issue any circular to the members of Sub-Branches on any matter without the consent of the S.M.C. Inter-communication between Sub-Branches shall be allowed on all matters in relation to the Union, provided a copy is submitted to the S.M.C. 14 days before the matter is sent.

RULE 17

PAYMENT AND RECOVERY OF FINES:

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

RULE 18

APPEALS OF MEMBERS AND SUB-BRANCHES AND S.M.C.:

Right of Appeal

1. Any member finding himself aggrieved against the actions or decisions of the officers or members of the Union may, in the case of any grievance, appeal to his Sub-Branch for redress, and, if still aggrieved, he may further appeal through his Sub-Branch to the S.M.C. within one month, whose decision shall be final and such decision must be conveyed to those concerned.

Not to Furnish Other Evidence

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

3. In no case shall an appeal be withheld by a S.M.C. or Sub-Branch, but all appeals shall be sent through Sub-Branches.

When Not Considered

4. The S.M.C. shall not consider any appeal from any member whose total dues to the Union amount to twelve months' contributions or more.

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

Sub-Branch Appeals

6. Should any Sub-Branch give notice of appeal against the decision of the S.M.C., closing or suspending the said Sub-Branch, the decision shall not take effect until such appeal has been decided by the S.M.C.

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RULE 19

ELECTION OF STATE SECRETARY, S.M.C. MEMBERS AND ORGANISERS:

(1) Any member of the Branch who is financial and has at the time of nomination not less than three years continuous membership may nominate for any of the positions named at the head of this Rule.

(2) The term of office for the above positions shall be three years.

(3) Nominations, which must be in writing, signed by the Candidate and endorsed by two financial members, shall be in the hands of the Branch Returning Officer, not later than the last day in September following the calling of nominations.

(4) Nominations for the various offices falling vacant shall be called by the Branch Returning Officer on or before the last day of August in every third year, commencing on and from August 1954, notice of which nominations shall appear in the Queensland "Building Workers Journal" posted to each member 28 days before closing date.

All Sub-Branches shall be notified by circular of the closure date for nominations for the election of officers named at the head of this rule and such Sub-Branches shall be supplied with nomination forms twenty eight days before the closing date for such nominations.

(5) If only sufficient nominations are received to fill any vacancy, the Returning Officer shall thereupon declare the person so nominating elected.

(6) If more nominations than there are vacancies are received, the Returning Officer shall arrange for the names to be drawn in a Ballot in the presence of the State Management Committee and such names shall be placed on the Ballot Paper in the order in which they are so drawn.

(7) The State Secretary shall provide the Returning Officer with a certified list of members entitled to vote in the election not later than ten days after the closing of nominations. Such lists shall be available at the Union Office for perusal by any Scrutineers or Members entitled to vote at the said election. Notice of the availability of the list shall be published in the Daily Press on the day it becomes available.

(8) The Returning Officer shall post to each Member entitled to vote, i.e., financial in terms of Rule 4, Clause 5: a Ballot Paper properly initialled, together with printed Business Reply Envelopes for return of same not later than the last day in October, after the closing date of Nomination.

(9) All Ballot Papers shall be posted by the Member voting in time for same to reach the Returning Officer but later than the fourteenth day of November following despatch of Ballot Papers.

(10) Any candidate for any of the above positions may prepare a Statement not exceeding 400 words, setting out his views for submission to the members, and such Statement shall be delivered or forwarded to the State Management Committee when forwarding Nomination.

(11) The State Management Committee shall issue instructions for the printing of all Statements submitted by candidates in time to allow same to be included with Ballot Papers when despatched by the Returning Officer.

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(12) All Ballot Papers shall be returned to the Returning Officer, c/o the Post Office Box named on the Business Reply Envelope. The Post Office Box to which the Ballot Papers are to be returned shall be hired by the Returning Officer prior to the despatch of Ballot Papers or if the Box has been previously hired, he shall cause the lock to be changed.

The key to such Box shall be picked up by the Returning Officer at a time, reasonable notice of which has been given to the Scrutineers, and deposited with the Bank at which the Branch Account is held.

The Returning Officer shall each day, at a time reasonable notice of which has been given to the Scrutineers pick up the key to the Post Office Box from the Bank in which it is deposited, collect the returned Ballot Papers from the Post Office Box and deposit them in the Ballot Box. Such Ballot Box shall be kept at the Bank at which the Branch Account is held for the time being, and shall prior to the commencement of the ballot, be held by the Returning Officer and may be sealed by any Scrutineer. After placing the Ballot Papers in the Box, the key to the Post Office Box shall be deposited at the Bank. The Ballot Box shall be picked up by the Returning Officer at a time, reasonable notice of which has been given to the Scrutineers and taken to the Union's rooms and be opened in the presence of Scrutineers and the count shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the Ballot Box, to which any seals may be affixed by a Scrutineer.

(13) The Returning Officer shall proceed to count the ballot on the preferential system, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the Ballot shall be completed not later than the first day of December following the closing of the Ballot.

(14) In the case of an equality of votes for any two or more candidates, the Returning Officer shall determinate by casting his vote which of the candidates is elected.

(15) Two Scrutineers who are not candidates shall be elected by the State Management Committee not later than the last day in November to assist the Returning Officer in the conduct of the Ballot.

(16) The Returning Officer shall notify the State Management Committee of the result of the Ballot and the State Management Committee shall issue instructions for the publication of same in their minutes and the "Building Workers' Journal" and/or "Building Worker." He shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area.

(17) The successful candidates shall take up their respective duties not later than the first day of January following the conclusion of the Ballot and shall remain elected until their successors take up office.

A successful candidate who fails to take up his position on or before the above date shall, unless a reasonable cause to the satisfaction of the State Management Committee be shown, be deemed to have resigned, and shall not be eligible to nominate for any office for a period of four years.

(18) Should a vacancy occur in any of the above mentioned offices, the State Management Committee shall fill the position within one month if the term remaining is not more than twelve months. If the term remaining is more than twelve months, an election shall be held in accordance with these Rules to fill the vacancy.

(19) Any candidate may appoint a Scrutineer who shall be entitled at the expense of the candidate to be present at any stage of the Ballot.

(20) Any accidental or unavoidable omission or error in the carrying out or observance of this Rule shall not invalidate an election unless such omission or error is shown to have affected the result of an election.

(21) In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the Ballot.

RULE 20

ORGANISERS:

1. One or more Organisers may be appointed in the State for the purpose of organisation, the same to be under the control of the S.M.C., and they shall attend S.M.C. meetings when required. No member may be nominated for the position of Organiser who has been in the Union for less than three (3) years continuously. They shall be nominated and elected by the members under the jurisdiction of the State M.C.

When District Organisers are to be elected they may be nominated by any Sub-Branch within the State in which the district is situated, but shall be elected by the members of the Sub-Branches within the district in which the District Organiser is to operate.

State Organisers may be elected and remain in office for a period of three years, provided that if the funds are insufficient to meet the half-yearly expenditure, their services may be temporarily dispensed with at the discretion of the S.M.C.

The S.M.C. may appoint Temporary Organisers for a period not exceeding six (6) months; the duties of Organisers to be determined by the S.M.C.

2. Any Sub-Branch may, subject to the consent of the S.M.C., appoint a Local Organiser for a period of not exceeding six months. An amount equal to 10 per cent of the previous half-year's income may be used for this purpose. This amount may be subsidised by the S.M.C. on application by the Sub-Branch.

RULE 21

SHOP STEWARDS.

For the convenience of members, Shop or Job Stewards may be appointed by Sub-Branches within the district under their control.

Should any Shop or Job Steward be victimised, or be reasonably supposed to be victimised, from carrying out any duties to the Union, the S.M.C. shall take all necessary steps to see that the member is compensated for any loss he may incur.

RULE 22

TOOL BENEFIT:

1. All members who have been in the Union for twelve (12) months and are financial at the time of such loss, shall be entitled to compensation for tools lost by fire, theft, or in any other way that, in the opinion of the Sub-Branch Committee, will entitle them to benefit, to the amount of twenty pounds (£20) in any one claim, but no claim for Tool Benefit shall be entertained if it be under twenty-five shillings (25/-).

2. The maximum amount payable to any member for Tool Benefit shall not exceed twenty pounds (£20) in any period of 12 months.

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Not Paid in Money

3. No tool claim shall be paid in money, although it shall not be imperative for any Sub-Branch to supply members with similar tools to those which have been lost, provided that the value of the tools supplied does not exceed the amount required in order to replace the lost tools. If the lost tools are recovered, the new ones shall be returned to the Sub-Branch to be disposed of at the discretion of the Sub-Branch.

Reporting Loss

4. Members claiming shall report the loss at the police station nearest to the job, and shall obtain the signature of the police officers on a form provided by the Branch Secretary as an acknowledgement of such report. A properly priced list shall be lodged with the Sub-Branch Secretary within seven days accompanied by a statutory declaration signed by a Justice of the Peace. The Sub-Branch Secretary shall ascertain from the police whether such loss has been reported.

Name Stamp

5. Members claiming this benefit shall produce their name stamp in one piece, or its impress, and affirm in writing that the tools are duly stamped with the same. Such name stamp shall consist of claimant's surname, and at least one initial. In the case of tools composed entirely of steel or iron, the member must affirm that the tools bore his private mark by which identification is possible, provided that at all times the Sub-Branch Committee, with the instruction of the Sub-Branch, may determine when the question of the possession of a name stamp shall not prevent the payment of a tool claim.

Tool Benefit—Registration of Name Stamp

6. All tool claims shall be subject to revision by the State Management Committee where deemed necessary, and any claimant for such benefit shall first of all have his name stamp registered with the S.M.C.; such to be done through his Sub-Branch.

Loss By Enemy Action

7. Nothing in this Rule shall render the Union liable to compensate any person for loss of any tools by him as a result of enemy or belligerent action.

RULE 22

FUNERAL ALLOWANCE

1. The Union shall pay out of its funds a funeral allowance to the representatives of deceased members who have been members for a period of twelve months. On the death of a member who does not owe more than one half-year's contributions, a sum of money in accordance with the appended scale of funeral allowances shall be paid to his widow, next of kin, or nominee, or whomsoever may, in the opinion of the Union, prove to have an equitable claim to it, provided that at the time of such member joining the Union he was not over fifty (50) years of age. Provided, however, that this provision shall not apply to any member who joined the Union prior to its amalgamation. In the event of a member dying, and there being no widow, next of kin, or nominee discovered to whom the Union may deem it just to pay the funeral allowance, the Union shall defray the cost of decent interment of the remains of such a member, and should the circumstances of such a case induce the Union to inter the remains and a claimant to the funeral allowance afterwards arise and prove his or her claim, the Union shall deduct from the amount of such claim, all the expenses it may have been put to on account of the interment, and pay the balance, if any, to the claimant.

2 Scale of Funeral Allowances:—On the death of a financial member who has been a member of the Union for twelve (12) months, the funeral allowance shall be one pound (£1), and shall increase at the rate of one pound (£1) per annum, the maximum to be twenty pounds (£20).

RULE 24

SALARIES OF OFFICERS

The State Management Committee shall from time to time set down a scale of payments for Sub-Branch Secretaries, Sub-Branch Presidents, Vice-Presidents, Delegates, Money Stewards, Sick Stewards, Sub-Branch Committees, Returning Officers and Deputy Returning Officers, Scrutineers, and clerical assistance, provided that when such scale is determined, it shall be registered under the Trade Union Act and the Industrial Conciliation and Arbitration Act as part of the Rules of the Union.

RULE 25

OFFICERS' HOLIDAYS:

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

RULE 26

CONTINGENT FUND:

Banked by S.M.C.

1. All money collected for the Contingent Fund shall be forwarded by the Sub-Branch Secretaries to the S.M.C. each half-year, at the same time as the dues, under Rule 16, Clause 24, are remitted, and shall be banked by the S.M.C. in the name of the Union in a separate account.

How Used

2. The Contingent Fund shall be used for the purpose of relieving cases of distress amongst members that are recommended by the Sub-Branches to and approved of by the S.M.C. It may be used for assisting our own or any other trade.

Applications to S.M.C.

3. All applications for donations to members shall be on a schedule provided by the Union, and no donation shall be made unless such schedule is filled in by the Sub-Branch Secretary and approved by the S.M.C.

4. Requests for donations for purposes other than the relief of members shall be forwarded to the S.M.C., and shall contain full particulars of the purpose of the proposed donation.

Qualifications for Assistance

5. No member who has been less than three months in the Union shall be eligible for assistance from this fund, but in no case shall this fund be used for the payment of benefit to which a member is otherwise disentitled.

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RULE 27

APPRENTICES:

1. Candidates for this section must be proposed in the Sub-Branch meeting by adult members of the Union; they shall pay the usual entrance fee; they must have worked at the trade twelve (12) months, and be not less than sixteen (16) years of age.

Tool Benefit

2. Members of this section who have been in the Union twelve (12) months and are financial, shall be entitled to compensation for tools lost by fire or theft, or other ways that in the opinion of the Sub-Branch Committee entitle the member to benefit, to an amount equal to half that allowed to members of the General Section. No claim to be entertained if it is under five shillings (5/-).

The conditions relating to Tool Benefit in Rule 22 shall be complied with. They shall have the same privileges as other members.

Transfer to Full Membership

3. On attaining the age of 21 years or on the completion of their apprenticeship, they shall be transferred to full membership.

RULE 28

ALTERATION TO RULES:

Before alterations, amendments or additions to rules are dealt with by the S.M.C., Sub-Branches shall be requested to forward alterations, amendments, or additions to rules two months prior to the S.M.C. meeting convened to deal with such proposals and amendments, etc. Rules shall be submitted to a referendum of the whole of the members of the State by ballot.

RULE 29

REFERENDUM:

Upon request of a majority of Sub-Branches comprising a majority of the membership requesting a referendum upon any matter, the S.M.C. shall immediately take a referendum of the whole membership and should any such referendum be carried by a majority of members voting by ballot, the same shall be binding upon members of the Branch.

RULE 30

DISSOLUTION:

1. Whenever the number of members in this Union is reduced to twenty-one (21) by deaths or exclusions, a majority of the remaining members may, at meeting assembled at the Registered Office, finally dissolve the Union; subject to discharging all debts and liabilities legally incurred in the Union's name providing that when the amalgamation of Building Trade Unions is accomplished all funds and assets shall become the property of the Union formed by our amalgamation.

STANDING ORDERS AND RULES OF DEBATE

Call to Speak

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

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

Motions

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

Amendment

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

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

Question Be Now Put

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

Speak Only Once

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

Time Limit

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

Reply

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

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

President's Right to Speak

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

00041

Limit to Debate

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

Notice of Motion

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

Motion to Adjourn

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

Moving Dissent From Chairman's Ruling

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

How Put

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

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

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

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

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

"THE TRADE UNION ACT OF 1915"

Certificate of Registration of Complete Alteration of Rules

Trade Union—Amalgamated Society of Carpenters and Joiners of Australia (Queensland Branch). Registered No. 62.

I HEREBY CERTIFY that the set of rules, copy whereof is appended hereto, has been registered under "The Trade Union Act of 1915" in substitution for the set of rules already registered for the Amalgamated Society of Carpenters and Joiners of Australia (Queensland Branch) Trade Union this twenty-first day of June, 1957.

(Signed) T. J. METCALF,
Acting Registrar of Trade Unions.

Registrars' Office,
Industrial Court,
Brisbane, 25th June, 1957.

The State Secretary,
Amalgamated Society of Carpenters and
Joiners of Australasia, Union of Employees, Queensland,
Trades Hall,
BRISBANE.

Dear Sir,

As required by Sub-Section (7) of Section 28 of "The Industrial Conciliation and Arbitration Acts 1932 to 1955", I have satisfied myself that the proposed alterations to the rules of the Amalgamated Society of Carpenters and Joiners of Australasia, Union of Employees, Queensland, forwarded under cover of your letter of 18th instant are not in conflict with the said Acts or with any Order or Award and I have accordingly registered same.

Yours faithfully,

(Signed) F. J. DAVIES,
Industrial Registrar.

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June 1957
Award book

Rules
JUNE 1957

B.W.I.U.

Award Book

• RULES

Building Workers' Industrial Union of Australia

Queensland Branch

AMALGAMATED SOCIETY OF CARPENTERS & JOINERS OF AUSTRALIA

Queensland Branch

00044

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Registered in Australia for transmission through the Post as a Book.

00045

Building Workers' Industrial of Australia

(Queensland Branch)

Amalgamated Society of Carpenters & Joiners of A Queensland Branch.

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45-47
48

● Address: First Floor, Trades Hall, Brisbane.
Phones: B 5500; B 5541 — Secretary's Home XU 2817.
Telegrams, Carpunn, Brisbane.

● Your State Committee Members for 1954-57 are:

L. Randall (Pres.).
L. C. Clark.
D. Clements.
F. Dawson.
C. O. Butler.

● Your Organisers Are:

A. T. Nicol.
L. K. McMillan.
J. R. Petersen.
K. Loughlin.
H. F. Newton.

G. M. (GERRY) DAWSON, STATE SECRETARY.

Our Sub-Branches

YOUR Union has Sub-Branches in all of the following towns: Bowen, Brisbane, Bundaberg, Cairns, Gladstone, Gympie, Innisfail, Ipswich, Mackay, Maryborough, Mount Isa, Mount Morgan, Rockhampton, Toowoomba, Townsville, Wynnum.

EACH March and September your Union sends a half-yearly notice to all members. Please consult it for the location of your Sub-Branch meeting and also for the name and address of your Sub-Branch Secretary.

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00048

Our Glorious Union

OUR Union is the Queensland Branch of the Building Workers' Industrial Union of Australia, which is a National Union of approximately 40,000 members.

Our Queensland Branch of the B.W.I.U. is also known as the Amalgamated Society of Carpenters and Joiners of Australia.

We are registered under the Industrial Conciliation & Arbitration Act and Trade Union Act of Queensland, as the Amalgamated Society of Carpenters & Joiners.

This is because the Court refused to allow us to register a change of name to the Building Workers' Industrial Union after our members decided by ballot to effect such a change.

● Our Union has a glorious unbroken history of well over 100 years of operation in Australia.

● The records of the Queensland Government show that our union was operating in Queensland in 1860.

The Queensland Trade Union Act of 1886 was passed in that year and our Union was one of the thirteen Queensland unions which registered under that Act in 1887.

Records of 1887 show that we had 283 financial members and £117 in the bank. One hundred and sixty-three members were on unemployment benefits in 1887 for a total of 5343 days.

To-day our union in Queensland has a membership of more than 11,500, with bank assets worth £40,000.

Our union is affiliated with the Australian Council of Trade Unions, the Trades & Labour Council of Queensland, the Queensland Building Trades Group and the Australian Labour Party.

Our union is our membership and our union belongs to our members.

● Always help to build and strengthen our union as well as build unity in action and strength of the working class to help win real power for the people, while struggling in unity for Peace, Progress and Socialism.

00049

HINTS FOR THE JOB REP

LIKE the Sub-Branch Secretary, the Job Rep. is fundamental to the very existence of your union. He is the contact between the Union and the members on the job.

He is the framework on which much union activity evolves. Job reps. strengthen our union and ensure that it is a real fighting force moving forward as one organisation.

PROTECT YOUR REP

Thus every job where there are three or more members should elect a job rep. That done the Union Office should be advised so that immediate and regular contact may be maintained.

For these reasons the best possible man—in other words the best unionist—should be elected as your job rep. Then it is up to you to protect him from victimisation. Members when electing reps. should always remember that it is their obligation to back whatever action the Union proposes in order to protect reps.

A Job Rep. is essentially the Union's representative on the job, and he is bound by the policy of the Union and its Rules.

Job Reps. should represent the workers who elected them on all discussions with the employer relating to job conditions.

On jobs where other trades are employed, action should be taken to elect a job committee of representatives from each trade.

WHAT SHOULD BE DONE

- Only the Union itself can make agreements involving Award matters with employers.
- The Job Rep. should check the financial standing of every member on the job and members must co-operate by producing their O.K. Card to the Job Rep. when commencing work.
- Job Reps. should call a meeting, or discussion, between members at least once a month.
- Job Reps. will be supplied with an interim receipt book for collection of dues—members should receive official receipt and O.K. Card within fourteen days of payment.
- If such Official Receipt is not received within fourteen days, members should forthwith contact the Union Office.
- Job Reps. should immediately report all disputes to the Union Office.

SOME MORE MUSTS

Job Reps. should check to ensure that all Award conditions are observed by the employer, including Safe Tool Lock Up, Proper Sanitation, Dressing and Messing Facilities, Drinking Water, First Aid, Safety First Precautions, and Proper Transport. The Union Office should be advised of all breaches.

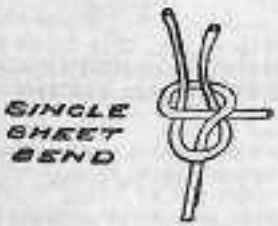
Job Reps. when paying in monies should always give the number of the members concerned for there are many members with the same name.

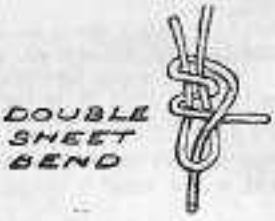
Also please check to ensure that all changes of address are notified.

00050

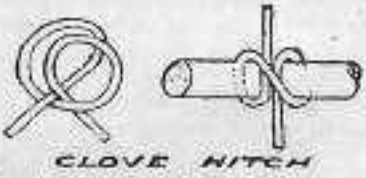
HOW TO TIE KNOTS

Thumb Knot and Figure of Eight: These two knots are used to put in the end of a rope to prevent it unreeving through a block.
Reef Knot: Simplest of all knots. Always used when a common tie is required.



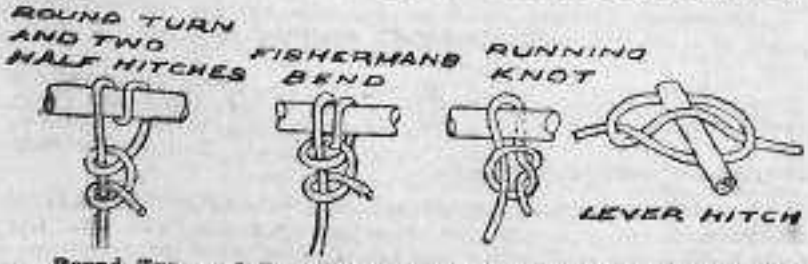


Single and Double Sheet Bend: Used to join two ropes of the same size.



Hawser Bend: To join larger cables together. NOTE: Two half hitches and ends seized. **Clove Hitch:** Used to secure the end of a rope to a pole or post.

Timber Hitch: For lifting timber. **Killick Hitch:** An extension of the standard timber hitch for greater control over long lengths of timber.



Round Turn and Two Half Hitches; Fisherman's Bend; Running Knot; Lever Hitch: Always leave reasonable amount of rope extended beyond knot.

00051

ALL building workers who are working for an employer and who get wages are covered by workers compensation. Sub-contractors are not covered and in some cases building workers injured doing "Labour Only" jobs have had their claim for compensation rejected—another good reason why our members should give "Labour Only" jobs away.

Failure of an employer to insure his workers does not relieve either the employer or the State Government Insurance Office of their responsibility.

Coverage

Building workers are covered by workers' compensation when going to and from work (provided they travel by a reasonably direct route) whilst on the job, or if away from the job on the bosses' directions.

When hurt you should report the accident as soon as practicable and either fill in or get someone else to fill in the application for compensation (Form 4). This should be lodged with the State Government Insurance Office as soon as possible.

Compensation will not be paid until such time as Form 4 has been lodged. Neither will it be paid unless the employer has also lodged his report on the injury. The employer does this on Form 3.

The above forms may be obtained at the B.W.I.U. office should any help in completing them be required.

Report All Accidents

Remember! Always report an accident and see that a note is made of it for you never know when what may seem a trivial injury only may turn out to be something very serious.

As workers compensation payments are related to the cost of living adjustments made from time to time by the Arbitration Court, the base payment varies but may always be obtained from the B.W.I.U. To the base payment (£9/10/- when this booklet was compiled) should be added 50/- for a dependent wife (that is, a wife not working and not having any income) and 15/- for each dependent child under 16.

£9-10-0 + 1-0-0 + 1-0-0 = £10-5-0

However the most which can be drawn is either the compensation amount based on the number of dependants or the Award rate—whichever is the lesser.

00052

£2800 Maximum

The total amount which will be paid by way of compensation payments is £2800 in the case of injury or £3500 plus £75 for each dependent child in the event of death.

Payment of workers compensation commences the day AFTER the injury and the employer is responsible for payment for the day of injury. Some employers try to "duck" such payment but the law is specific on the issue.

Medical Expenses

Medical expenses (including medicines) up to an amount not exceeding £70 will be met by the State Government Insurance Office on production of proof of the expense. But the SGIO will not pay private hospital expenses in those cases where beds are available in a public hospital.

Thus you should be very careful on the foregoing for some doctors try to "steer" their patients into a private hospital. Whilst you may suit yourself where you go the SGIO will not pay the bill if a bed is available in a public hospital. On this a private ward in a public hospital is treated as in a private hospital—again no payment.

But you are entitled to your weekly compensation whether in a private or public hospital.

False Teeth & Glasses

Breakage of false teeth or glasses does not come within medical expenses unless the breakage was caused by an accident requiring you to go on to compensation or to receive medical attention. In short the breakage must have been caused by a compensatable injury.

As many injuries are such as to incur either the total or partial loss of limbs or the total or partial incapacity of a limb or portion of a limb, special payments known as Lump Sum payments are laid down in the Workers' Compensation Act.

Lump Sum Payments

A number of such payments are shown in this booklet and these additional points are worth remembering.

- **Any payments already made by way of compensation payments —weekly or otherwise—cannot be deducted from the lump sum offered. On the other hand you cannot draw more that £2800 by way of compensation payments and a lump sum payment.**
- **When a Lump Sum payment is offered by the Insurance Commissioner you have but one of two choices: (a) accept the payment if you consider it a fair one (it couldn't be very fair for the payments fixed by the Legislature are far too low anyhow) or (b) see your union for advice as to whether the assessment of loss of capacity of the injured limb etc., is a reasonable one.**

"Compo" Ceases

However the tough thing about the foregoing is that once the Insurance Commissioner makes an offer of a Lump Sum payment, weekly payment of compensation ceases.

Whilst on injuries you cannot draw more than £2800 in all, irrespective of the number of injuries sustained in the particular accident.

(On this and in Victoria and under the Commonwealth, compensation may continue indefinitely—another indictment of the Act in this State.)

00053

Negligence — Damages Action

Here is the position in those cases where a worker has been injured or killed as the result of an accident contributed to or caused by an employer's negligence (for example, an unsafe scaffold).

● Under a fairly recent amendment to the Act an injured worker or the dependants of a fatally injured worker may now take a civil action for damages and still draw compensation provided the SGIO is informed of such intention when completing the application for compo. (Question 5(e) on Form 4).

● Failure to win a damages action would not remove a worker from compensation, but the negotiation of settlements or compromises on damages actions cannot be carried through without the permission of the Insurance Commissioner. Further, if a lump sum payment has been made to the dependants of a fatally injured worker such payment may be re-claimed by the SGIO in the event of a successful damages action.

A very raw point on fatal injury is that there is no provision for a funeral allowance; in fact workers' compensation legislation would prefer you to die for more money would be saved. Another stark indictment of how capitalism treats those whose labour alone makes possible the profits of the capitalists!

Time Limit — 6 Months

Speedy notification of all injuries is essential in compensation cases. There is a time limit of six months on lodgement of claims and this union knows of many cases where failure to lodge a claim has led to a subsequent claim (where the injury at first an apparently minor one grew into a serious one) being rejected.

There are also time limits on a damages action, but whilst the limit against individuals or firms or companies allows fairly reasonable scope the time limit on actions against Government Departments is very short indeed—so you would be well advised to seek advice from the B.W.I.U.

Medical Certificates

Medical certificates do not have to be obtained from any special doctor but such certificates should always clearly state that the nature of your employment or an accident at your place of employment caused the injury.

In the case of an injury not necessitating absence from work, but requiring medical attention from say a doctor, the SGIO will pay the bill provided always that the accident is reported and that Form 4 mentioned earlier is filled in by the worker and Form 3 by the employer.

Young Workers

● Should death result from an injury to a young worker under 21 who leaves no dependants, but who is survived by one or both parents resident in the State, such parent or parents shall be dependants and shall receive £200.

● **Should a badly injured worker who has been on weekly compensation payments subsequently die then his dependants shall be paid the Lump Sum provided for fatal injury (£2500 plus £75 for each dependent child) LESS any payments already made by way of weekly payments PROVIDED that the minimum amount which the dependant shall receive shall be not less than £300.**

00054

LUMP SUM PAYMENTS

BELOW will be found the Lump Sum payments referred to in the section on compensation payments.

Nature of Injury	Amount Payable £
Loss of both eyes	2,800
Loss of an only eye	2,800
Loss of both hands	2,800
Loss of both feet	2,800
Loss of a hand and a foot	2,800
Total and incurable loss of mental powers involving inability to work	2,800
Total and incurable paralysis of the limbs or of mental powers	2,800
Loss of the sight of one eye, together with the serious diminution of the sight of the other eye	1,750
Loss of the sight of one eye	975
Loss of hearing	1,450
Loss of speech	1,450
Complete deafness of one ear	650
Loss of an arm	1,900
Loss of a hand or of five fingers of a hand or of the lower part of an arm	1,600
Loss of a thumb	650
Loss of a joint of a thumb	400
Loss of a forefinger	450
Loss of the distal joint of a forefinger	250
Loss of two joints of a forefinger	300
Loss of the middle or the ring or the little finger	250
Loss of the distal joint of the middle or the ring or the little finger	170
Loss of two joints of the middle or ring or little finger	200
Loss of a leg	1,750
Loss of the lower part of a leg	1,500
Loss of a foot	1,450
Loss of a great toe	450
Loss of a joint of a great toe	250
Loss of any other toe	200

00055

SOME FINAL DON'TS

● Don't fail to report an accident however trivial and if you think the injury may become more serious fill in a compensation form even if you don't have to go on to compo.

● Don't fall for "Labour Only" or piece work jobs; they are not only illegal under our Award but in some cases you prejudice your rights to compensation. The same goes for jobs you might do for your employer on a weekend in your own workshop (for example, cutting out etc.).

● Don't return to work until your doctor says you should come off compo. You will not only get no marks for such an action, but your union has had difficulty in reopening claims where the injury has worsened following a worker's premature return to work.

● Don't accept a lump sum payment for total or permanent incapacity if in doubt on the percentage offered. Talk it over with us. The same goes for possible action on a claim for damages.

● Don't fall for those doctors who would steer you into a private hospital for reasons of their own—remember once again that the SGIO will NOT pay private hospital expenses if beds are available in a public ward in a hospital (as they usually are).

00056

WHAT ARE THE FACTS ON TRAVELLING TIME

PERHAPS the most difficult clause to understand in the Building Trades Award is the one dealing with travelling time and fares.

This is because employers will not agree to a reasonable flat rate travelling time payment to cover all building workers, with the result that practically every inquiry on travelling time has to be carefully considered by your Union's officers before a decision can be given.

What is the Centre?

The first essential to answering a travelling time query is: "Where do you live and where is the job?"

The second essential is to know what is the "Centre."

Let us take the second point first. The "Centre" is the General Post Office in Brisbane, or Central, Brunswick St., Roma St., or South Brisbane Railway Stations; or the Post Office in country towns. It can also be the employer's permanent workshop in those rare cases where the employer has a permanent workshop.

Goes Through Centre

Imagine a building worker who has to travel into town (say from Coorparoo) then has to go past or to the Centre (that is the G.P.O.) or, in other words, has to go **through or to** the City to get to the job, which might be at Clayfield, Kedron, Indooroopilly, or at any of the many suburbs on the North Side of the City.

(The above goes also for the person coming from, say, Ascot, going past or to the Centre to get to the job which might be either on the North Side (say Bardon) or on the South Side (say Salisbury.)

The 3 Mile Point

Now, and in such cases, the building worker's travelling time commences from a point three miles from the G.P.O. and on the way to the job.

For example, the three mile point on the Paddington Line is Rockbourne Terrace; on the Coorparoo Line, O'Keefe St., and so on.

So for all time spent travelling beyond what are known as the three mile points (they are given in this booklet on page 79) the worker must be paid for the time so spent. And the time so spent is determined by the method of travel—i.e. by tram, bus, other motor vehicle, or walking. (The time allowance for such travel will be found on page 79).

00057

About Fares

Now about fares! Here the governing principle is that if one is eligible for travelling time, then one must also be paid fares. However, whilst the travelling time payment starts from the three mile point, fares must be paid from the Centre or the G.P.O., or in the case of rail travel, from Central, Roma St., Brunswick St., or South Brisbane Railway Stations.

How Calculated

For example, in the case of a worker travelling from Ascot, on the North side, to Camp Hill, on the South side, the travelling time to be paid would be all time spent travelling between O'Keefe Street, Stones Corner (the three mile point) and the job at Camp Hill, but all fares incurred from the G.P.O. (not O'Keefe Street) must be paid.

So far, we have dealt only with those cases where the worker goes through town on his way to the job.

Doesn't Go Through Centre

It is now necessary to examine the position where the worker's home is nearer to the job than to the Centre.

For example, you live at Greenslopes, and the job is at Coopers Plains. Here, and to get to the job, you would probably come into the 'Gabba and get a tram out to Salisbury—or you might get a bus from Greenslopes to Ipswich Road and catch the tram there.

Of course, you can think of many examples similar to the above.

3 Miles From Home

Now, in such cases, your travelling time starts from a point three miles from your home and all time spent in travel thereafter, must be paid on the same basis as that outlined earlier. Your fares in such a case commence from the starting point of travel—not from the three mile point.

Job on Direct Route

The next case we deal with is that where the job lies in a direct line between your home and the Centre. For example, you live at Wynnum and the job is at Norman Park. In this instance you are travelling by train towards the Centre (i.e. town) but you break your journey to go to the job at Norman Park.

In a case such as the above, travelling time would NOT be payable.

Permanent Workshop

We now come to the position where the employer claims to have a permanent workshop on the job. For a start, the job itself is NOT a workshop—neither is a mere shop erected on or about the job. Permanent workshop means what it says—"Lasting or intended to last indefinitely, fixed or enduring in character, state, condition, position or the like—not temporary or subject to change." (Quotation from the late Justice Mcnaughton's definition of permanent).

Shops erected to carry out particular jobs are not permanent workshops either. In short, there cannot be many permanent workshops at all under the above definitions.

Travelling Time Not Paid

However, in those rare cases where the employer does have a permanent workshop, such workshop becomes the Centre and all time spent in travelling TO that permanent workshop or Centre is not paid for, irrespective of distance. Neither are fares paid.

00058

Travelling Time Interpretation — Given by The State Industrial Court

On April, 1950, before the State Industrial Court, the Public Service Commissioner, through Mr. J. S. Bennett, applied for an interpretation of the Travelling Time Clause of the Building Trade Award.

Subsequent to extensive argument the Court declared:

"Employees are entitled to payment at ordinary rates of pay for all time occupied in travelling to and from the job over and above three miles where such work is more than three miles from the Centre."

NO PERMANENT WORKSHOP

Clause 12 covers travelling time; the clause sets out that **for all employers who do not have a permanent Workshop,** the distance is calculated from the G.P.O. or Brisbane Central, Roma Street, Brunswick Street, or Melbourne Street Stations, where the work is done within ten miles of the G.P.O.

WHERE PERMANENT WORKSHOP

The distance shall be calculated from such workshop, but where the job is nearer the employee's residence than the Shop, the distance shall be calculated from the employee's residence.

OUT OF TEN MILES RADIUS

Where the employer has no permanent workshop the distance shall be calculated from the Post Office where the employer carries on business; or if the employee's residence is nearer to the job than where the employer carries on his business, then the distance is to be calculated from the employee's residence.

WHAT COURT SAID

The Industrial Court stated in the judgment described: "It might appear that the first paragraph of sub-clause 3 of the Travelling Time Clause (sub-clause 3; under this clause the following method shall be adopted to ascertain the distance travelled by an employee from his shop or centre to the job) limits the right of payment to those employees who travel from a centre to the job, but that paragraph (Sub-Clause 3) only provides machinery to ascertain the distance travelled and cannot restrict the right granted under sub-clause 2."

This clause states: "(2) Employees employed on work more than three miles from the shop or centre as hereinafter mentioned shall be paid ordinary rates of pay for all time occupied in travelling to and from the job over and above three miles."

This means that it is not necessary to go to the centre to be entitled to travelling time. Travelling time is payable after three miles travel to a job that does not lie between the centre and the employee's residence and which is over three miles from the centre described in Clause 12.

00059

"KNOW YOUR AWARD"

HUNDREDS of queries on the Building Trade Award are answered each week by BWIU officials and we could easily fill this booklet with such questions and answers.

HOWEVER some of the questions bob up time and time again so this section of our booklet will deal with such questions—giving you a ready reference to points which bother our members.

DAY'S NOTICE

Question: The Building Trade Award provides for a day's notice to be given. What is a day's notice in this case?

Answer: A day's notice means a full day. To be given notice to finish at the end of one day the employee must be told at knock-off time the day previous. Certainly the employee cannot be given notice to finish that night after he has started work on the day in question.

HOLIDAY PAY

Question: If I am getting more than the award rate and my holidays are due, at what wage rate should I be paid for my two weeks leave?

Answer: A worker receiving wages in excess of the award rate and having holidays due must be paid for such holidays at the rate BEING RECEIVED where such rate is in excess of the award. The same goes for long service leave when due.

PRO RATA LEAVE

Question: I have been sacked after working for only a few weeks. How do I find out my pro rata leave?

Answer: Add up all the wages you have received—deduct any overtime and DIVIDE the total by 25. The result is your pro rata leave.

PUTTING TOOLS AWAY

Question: Have we the right to put away our tools before ceasing time?

Answer: Absolutely. Putting tools away is as much the part of the work of the employee as using such tools. Tools of trade MUST NOT be collected and put away in the worker's time. They MUST be put away in the employer's time.

00060

PAY PARTICULARS

Question: What's the score on pay envelopes? The chap I work for gives no details whatever of how my pay is made up.

Answer: Your boss is breaking the law. All employers must give you, in written detailed form, the full particulars of how your pay is calculated. The gross wage—overtime, travelling time, fares, etc., all deductions and net wage must be clearly shown. This is provided for in the Conciliation and Arbitration Act.

PAY DEDUCTIONS

Question: Can the employer make deductions for other than taxation?

Answer: No. The Wages Act makes it an offence for an employer to make any deductions from a worker's wage (other than for taxation) without the worker's written authority.

STAND-DOWNS

Question: What is my position if the boss says: "There's no material coming in tomorrow, so I won't need you?"

Answer: So long as you are in the employ of the employer and haven't been sacked and paid all monies due, you must be paid for as long as you are able and willing to work.

SACKED ON COMPO

Question: Can I be sacked whilst off on compo?

Answer: Unfortunately, yes. Laws operate in the main to protect the boss—not the worker. All the boss has to do is to give you a day's notice whilst on compo. Obviously because you are hurt you cannot cut out the day so you finish up without even getting the customary day's notice. We are trying to do something about this matter but the only final protection lies in Parliament legislating on the matter.

WET PAY

Question: What happens when it is too wet to work?

Answer: You must be paid for all time lost on account of wet, up to eight hours in any one week.

Question: What is meant by the "Week"?

Answer: The Arbitration Court calls the "week" the PAY WEEK. So if you are normally paid, for example on a Friday night, you would get eight hours pay if it rained heavily for more than eight hours in the week ending that Friday night. Once the pay week principle is applied the week cannot be moved about to suit the weather.

BOSSES' TIME

Question: Our award says that we must be paid within 5 minutes of ceasing time. What does that mean?

Answer: It means that wages must be paid in the employer's time.

00061

CASUAL RATE

Question: What is meant by the Casual Rate?

Answer: All employment of less than a week's duration is casual work, with the carpenter doing it being a casual. To compensate the casual worker for many conditions which he loses, (e.g. pro rata leave, holidays, etc.) he must be paid a higher rate which is now the ordinary hourly rate PLUS 12½ per cent.

Question: Can I be sacked for incompetency after I have been employed for more than a week?

Answer: No. The award is very clear that no employee shall be dismissed for incompetency after he has worked a week for an employer.

SHOW DAYS

Question: What are the facts on Exhibition or Show Day holiday?

Answer: Show or Exhibition Day is a paid holiday. You get double time if compelled to work. The holiday varies in accordance with the location of the particular Show. Show Day holiday applies to those WORKING in the area where the Show holiday occurs.

REST PAUSES

Question: Can I give up a rest pause and finish 10 minutes early?

Answer: No and such an action would be a gross selling out of a hard won condition. Further, such breaching of the award would soon lead to employers striving to take the condition off us altogether.

SHARPENING TOOLS

Question: In whose time do I sharpen my tools of trade and what if there is no suitable grindstone on the job?

Answer: Tools are sharpened in the bosses time and not in yours. If a suitable grindstone is not supplied on the job then 1/- per week must be paid to each carpenter.

LABOUR ONLY

Question: Am I breaching the award if I work "Labour Only?"

Answer: Doing jobs "Labour Only" is a very serious breach of the Award and in fact is illegal. The basis of "labour only" is that the employer supplies material and you SELL your labour usually for so much per square. By that act you not only put yourself outside the protection of the award, but as mentioned elsewhere in this booklet, it is also very doubtful if you are covered by workers' compensation. Then again the union has scores of cases where the BUYER of the "labour only" has gone through leaving the "labour only" chap holding the bag oft times without any chance of recovering his money; for because "labour only" is a breach of the award the union can't do much to assist. Worst of all "labour only" if allowed to go on unchecked would destroy the award itself—for sooner or later workers would be selling their labour at prices below the minimum laid down in the award.

Question: What about piece work?

Answer: This is another award breaking manoeuvre and it too is illegal.

00062

2 HOURS SHARPEN TOOLS

Question: Would you outline the drill on the two hours allowed for sharpening tools—that is, the two hours when sacked?

Answer: Our award lays down that a carpenter must have two hours for sharpening tools and those two hours belong to him. He may leave the job if he wishes, but the trap is that the employer is not compelled to hand over the carpenter's pay until within five minutes of ceasing time. However, most do the right thing and pay the chaps at 3 p.m.

EASTER HOLIDAYS

Question: Can the boss refuse to pay me for Good Friday and Easter Monday if I have not been employed by him for a month before Easter?

Answer: No. So long as you were employed before and up to Easter, you must be paid for Good Friday and Easter Monday. The reference in the award to "close down" at Easter DOES NOT refer to where the employer does not open the job for the two days—that is NOT a close down.

NOT DIVISIBLE

Question: If a holiday falls during the week can my tool and sick allowance be reduced accordingly; that is, can the employer knock a fifth off?

Answer: No. In August 1943 the Industrial Court declared that: "Tool and sick allowances must not be reduced because of holidays which occur in the week."

WAITING TIME

Question: What does the waiting time clause in the award mean?

Answer: When finishing up on a job whether sacked or for any other reason, the boss must pay all monies due to you (including pro rata leave, etc.) within 5 minutes of the normal ceasing time. If he does not pay you then he can be penalised to the extent of 8 hours in any one day—at double time rates for every full day you have to wait for your money.

ARREARS OF WAGES

Question: How long have I got to lodge a claim for arrears of wages or for any other breach of the award?

Answer: If wages are due to you and you do not have us initiate action to recover them within SIX MONTHS then you can start to kiss your money goodbye. Only exception to the SIX MONTHS limitation is where the Industrial Court or a Magistrate extends the limitation period to 12 months. But to get an extension, the action to recover (irrespective of the type of action taken) must have been initiated in some form or other. And in any case if you allow a claim to go beyond 12 months, you are definitely out with no chance whatever of legal redress.

TELL US QUICKLY

Question: You propose then that we inform the union immediately we do not get wages or other monies due to us.

Answer: Absolutely. It's hard enough now to land defaulting employers without making it even harder by giving such employers a chance to dodge their obligations altogether by not telling us in good time.

Question: Is there a Santa Claus?

Answer: Yep, but neither he nor any of his relatives is related in any way to building trade employers.

00063

COUNTRY ALLOWANCE

COUNTRY allowance is a bitterly won and valuable condition in the Building Trades Award. Here are some ways you can help to protect your country allowance.

● Check with the Union before taking country work. Make sure you have written or advertised evidence that you were engaged at your home city or town, or that you were engaged at least 20 miles from the job.

● Don't go to a job at say Mount Isa from Brisbane if the person engaging you tells you that you can have the job when you get there. Under such conditions you wouldn't get country allowance, and your acceptance of such conditions would enable employers to further drive against country allowance.

● See that the employer who is engaging you to go to the country has an established business or place of residence. Post office box numbers and pub engagements are usually a certain prelude to trouble.

● Make the employer pay your fare to the job and if he doesn't come across with the fare give him away. Don't pay the fare yourself on a promise that you will get it back. There may be fairies but they aren't in the building industry.

● Get a copy of the award before leaving and if you don't get all your entitlements the first week you are on the job wire the union.

00064

DRESSING ACCOMMODATION

"WHAT minimum dressing room standards are laid down for building workers?" That question frequently asked is answered here.

Some years ago the Master Builders Association and the Building Trades Group reached agreement on dressing accommodation questions with the result that the following shall be deemed to be suitable dressing accommodation.

Dressing Sheds

● Dressing sheds shall be built of either wood or iron or other weatherproof material and shall be provided with at least one window or an opening wooden shutter and at least one door with a proper fastening attached.

● The floor of the dressing shed shall be of either wood raised from the ground or concrete protected against storm water. Seating accommodation must be such as to provide seating space of at least 2½ feet for each employee with the seat 9 inches wide. Sheds exceeding 15 feet in length shall have at least two doors.

Floor Space

● Racks shall be provided with nails or hooks on which the employees may hang their clothes. The interior floor space shall give 8 square feet (including the dressing accommodation) for each employee using the shed.

● For seven men 50 square feet shall be the minimum size of the shed. Where there are more than seven men an additional 8 square feet shall be provided for each additional employee.

Finally the agreement between the MBA and the BTG says that if the building in course of erection can provide all or a portion of the necessary accommodation on the foregoing basis then the shed accommodation can be arranged accordingly.

00065

IS THIS FIRST AID KIT ON YOUR JOB?

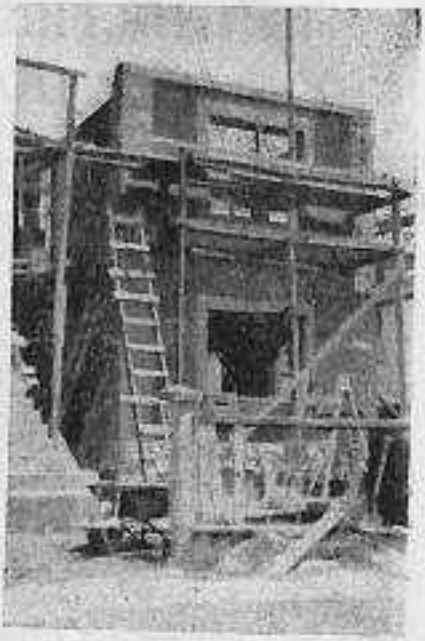
A FIRST AID kit must be on every job (says the law) irrespective of size. It is in YOUR interest to ensure that the employer has a full kit and at all times.

Below will be found the minimum supplies (laid down by the Factories & Shops Act and the Award) that must be in every kit and at all times.

Iodine Solution (Liq. Iod. Mitis B.P.)	8 ozs.
Proflavine Solution 1-1000 or Euflavine Solution 1-1000 or Acriflavine Solution 1-1000	8 ozs.
Castor Oil, with glass rod, bulged pendent	1 oz.
Sal Volatile	4 ozs.
Adhesive Strapping, 2 inch or 3 inch (or 1 inch — 4 reels)	2 reels
Cotton Wool (sterilised and enclosed in ounce quantities in sealed carton)	8 ozs.
Tannic Acid Jelly (to be contained in a collapsible tube and to be according to the following formula):— Acid Tannic: 2½ per cent; Phenol: ½ per cent; Gly. Tragacanth: Q.S., or other approved formula	4 ozs.
Roller bandage 1 inch (each enclosed in sealed envelope)	12
Roller bandage 2 inch (each enclosed in sealed envelope)	12
Triangular bandages (of first quality)	4
Tourniquet (St. John's or other approved type)	1
Medicine glass (marked for tea, dessert & tablespoon doses)	1
Earthenware feeding cup	1
Eye bath	1
Dressing forceps 4 inch or 5 inch	1
Splinter forceps	1
Scissors 3 inch or 5 inch	1
Towels	2
Enamel Basin (9 inch or 8 inch diameter)	1
Safety Pins	12
First-aid pamphlet	1

00066

This scaffolding on which men were working was discovered by a BWIU Organiser in Cairns, its demolition was ordered. It could have been a short-cut to the grave.



★

Prior to the visit of a BWIU Organiser men were actually working from this "scaffolding". Remember always to put your protection before the bosses' profits!

00067

Don't Gamble With Your Life
It's The Only One You Have

QUEENSLAND'S SCAFFOLDING ACT is a good one—if all employers were forced to carry it out.

●

Unfortunately, too, some building workers allow employers to get away with offences against the Scaffolding Act by "putting up with" unsafe scaffolds, ladders, etc.

●

Always we should remember that a million pounds compensation cannot be adequate compensation for a death or a broken maimed body.

●

Which makes safe scaffolding YOUR BUSINESS.

●

Here below are some of the most common breaches of safety regulations which our organisers run into with monotonous regularity. They all add up to—DON'T WORK ON UNSAFE SCAFFOLDING NO MATTER WHAT THE BOSS SAYS.

LADDERS

Organisers have found it necessary to stop job after job where planks have been used off ladders; such planks often being 16 and 18 feet in length. BUT PLANKS MUST NOT BE USED OFF LADDERS. The Scaffolding Act says that—your safety demands it.

TRESTLES

On many jobs it has been found necessary to demand of employers that they provide guard rails over eight feet from the ground. This has meant that the employer has had to have safe mobile scaffold units built.

The Scaffolding Act says you must have guard rails when working over 8 feet above the ground. Your safety demands your carrying out that direction.

BRACES

Building workers on far too many jobs allow employers to get away with using two inch by one inch and three inch by one inch braces INSTEAD of three inch by one and a half inch—the very minimum laid down in the Scaffolding Act for your safety.

PLANKING

Fascia boards, barge boards and scantlings are too frequently used instead of the stipulated nine inch by one and one half inch thick plank (9 x 1½). DON'T USE WEATHER ROTTED PLANKS OR SPLIT PLANKS. Don't fall for using only one plank when working over 8 feet from the ground. You must have two good thick planks to make an 18 inch platform to work off.

CEILING WORK

Here again anything and everything is frequently used instead of proper planking—three inches apart—and supported by standard frames at either end and one running through the centre. For the pitching of roofs and the fixing of truss roofs it is again essential to use adequate planking for the safety of members.

00068

LEDGERS

Many breaches of the Scaffolding Act occur here. Union organisers often have to make employers take off weatherboards, four by one inch flooring and three by one and one half inch hardwood, and in some (not rare) cases pine from a car case ALL of which has not been up to standard.

Just anything will NOT do. It's your life at stake.

● **Insist that nothing less than a six inch by one inch ledger is used.**

● **Make sure that cleats are used under all ledgers. These must be three by one and one half inch—checked out fully to accommodate the ledger. Cleats well nailed are much safer than a couple of nails.**

STANDARDS

Nine feet is the maximum distance allowed for standards to ensure safety needs. Yet many employers use three inches by one and one half inches instead of the stipulated three inches by two inches or better. And such employers spread out standards to as far as 14 feet.

Remember it is your life and body such an employer is playing with—NOT HIS!

FURTHER BREACHES

Here are some further breaches union organisers come across far too often.

● On several jobs an inch rope has been used up a stairway to the top of the building instead of a steel tube or proper timber guard rail stipulated by the Act.

● On a concrete picture show job an organiser found concrete piers being boxed off ladders and being poured off a platform 18 inches by 18 inches over 8 feet from the ground. Our members were working off ladders and cross cleats—hanging on with one hand and using the other to do the work. Mobile scaffolding is the only answer to such employer methods.

● **On big jobs organisers are always having holes in the floor covered with planks and guarded off. That's their job of course, but it's yours too. Particularly is it your job ON THE JOB to stop the employer from getting away with such dangerous practices which are far too common.**

FINAL POINTS

Organisers all the time are demanding that guard rails be put up on the outside of lift wells and around the outside of buildings "reaching for the sky."

They are continually ordering the fixing of guard rails around stairways leading from one floor to the other. Where ladders are used to convey members to various floors organisers make sure that a proper landing platform is provided at every 20 feet with guard rails attached to ladders and platforms.

We repeat what we said in the beginning. A million pounds compensation does not cover a death or a broken, maimed body. Don't work on unsafe scaffolding no matter what the boss says.

Make your golden rule and test on all scaffolding this: "Will I be as safe off the ground as on it." If not, don't go up, for there is always the terrible possibility that you will come down—HARD AND FAST.

00069

DO'S AND DON'TS FOR JOINERY WORKERS

HERE are some "musts" and "don'ts" for joinery workers—all of which are very important to the preservation of your health and safety.

MACHINES: All machines must have a proper guard attached to them. Don't remove the guard for this can be fatal to yourself or your mate. Belt drives or direct electrical wiring must also be properly guarded and enclosed to prevent workers coming into contact with same.

CIRCULAR SAWS: All saws must have a guard affixed with a parting knife at the back of the saw to stop the saw throwing back timber at the worker operating it. Circular saws with no parting knife have caused far too many serious accidents in our industry.

DUST SUCTION: This is essential to keep the dust and shavings from machines from getting into employees' lungs. If you haven't got dust suction tell us. If you have got it, always insist that it is operating 100 per cent. When the plant is not working properly it is usually because the lines and blower machine are too small to cope with the number of machines operating.

Some other Do's and Don'ts:

- DO insist on adequate wash basins. DON'T use the basins for glue pot stands.
- DO insist on a separate dressing room and a separate dining room. DON'T use the factory as a change room.
- DO demand a fully equipped first aid kit, proper sanitation (see section in this book on this) and the best possible lighting and ventilation.

YOU ARE ENTITLED TO ALL OF THE ABOVE UNDER THE SHOPS AND FACTORIES ACTS AND THE MACHINERY ACTS—SEE THAT YOU GET THEM!

RAIL CONCESSIONS

Workers taking their annual leave are again reminded that they are entitled to obtain excursion rates from the Railways should they desire to travel by train.

●

The excursion rates, the form for which may be obtained at any railway station, cover the entire family and the only restriction is that the worker must not be earning more than £1250 per year.

●

In actual practice the excursion rates amount to the concessions that are normally received at Christmas and at Easter when a return fare ticket is bought and should there be a number of people in the family, then obviously quite a saving can be effected.

●

The excursion rates are applicable only within the State and they apply for a period of three weeks only. To get the excursion rates it is necessary to have the employer fill in the form which can be obtained at any railway station.

00070

YOUR TAX DEDUCTIONS

UNLIKE big businessmen who have scores of ways of reducing their taxable income and an army of taxation experts to advise them on the best way to do it the worker is allowed comparatively few deductions.

Which makes it vital to know every single deduction you can claim.

INCOME

Income includes wages, overtime, sick pay, tool allowance and travelling time. Workers compensation, when received on a weekly basis, is also counted as income, but a lump sum payment (for example, a payment for the loss of a limb etc.) is NOT counted as income.

Long service leave payments are also counted as income EXCEPT when paid on retirement: under the latter conditions only 5 per cent of the total received is counted as income and is taxable.

DEPENDANTS

Should your wife have a separate income of more than £65 the deduction allowed for the dependent wife (at present £130) must be reduced by £2 for every £1 by which separate income exceeds £65. Should your wife be working full time, you cannot of course claim her as a dependant.

Allowance for a wholly dependent wife is £130 with the allowances for dependent children under 16 at £78 for the first child and £52 for each child thereafter. Allowances may also be claimed for student children dependants between 16 and 21 years of age, but if a claim is made the value of any Government assistance or other income must be shown.

When commencing on any job you should fill in a dependant's declaration—this form is supplied by the boss.

MAIN DEDUCTIONS

Here are the chief deductions you should claim on your tax return:

● Union dues, life, sickness and accident insurance premiums and payments to a Friendly Society, Superannuation scheme, medical or hospital benefit fund. The total which may be claimed for life insurance premiums, medical benefits, etc. is £200, and details must be shown of the amount claimed.

● Medical, dentist and optical charges. The cost of hearing aids, appliances prescribed by a doctor and artificial limbs etc. The maximum which can be claimed for these deductions is £150 per person covered in the taxation return. The foregoing £150 includes £30 dental expenses. Details of all this expenditure must be shown on the return.

● Rates and Land taxes paid by the taxpayer and for which he is personally liable; gifts to any registered funds, authorities and institutions. Funeral, burial, cremation expenses. (Maximum £30 for any one dependant).

OTHER DEDUCTIONS

Other deductions you may make are:

Kindergarten fees, cost of school books (where they have to be bought and are not supplied), other charges involved in educating your kiddies like cost of uniforms, fares to school etc. The cost of music lessons and elocution classes should also be claimed. Again details should be shown on the foregoing.

Always remember—if in doubt—MAKE A CLAIM! The worst that can happen is that the deduction you claim may be rejected.

ZONE ALLOWANCES

If you live or have lived in what the Taxation Commissioner calls Zone A or Zone B you are entitled to a deduction of £180 for Zone A and £30 for Zone B.

Zone A (allowance £180 per year) covers the whole of the Northern Territory—part of Western Australia and that part of Queensland shown on our Map. Zone B (allowance £30 per year) also covers a large part of the State. See Map on page 33.

An inquiry at your local Post Office or CPS office will set you right as to whether you may claim either of the Zone allowances.

FARES AND TOOLS

Fares other than excess fares (excess fares are those over and above those normally incurred in getting to and from work) are not income and are not taxable. Excess fares may be claimed as a deduction.

Tool allowance is income but if the amount of tool allowance paid is shown separately on your tax certificate or tax sheet you may claim as a deduction the TOTAL amount shown. However, if the amount is not shown separately on your tax certificate or sheet you may claim £10 only. To claim a deduction of more than the amount shown on your certificate you must list all tools bought and attach receipts.

COUNTRY ALLOWANCE

The country allowance position is as follows:

● Where the country allowance has been paid in CASH the total amount which has been paid, and which should be shown on your

00072

Tax Certificate, is shown by you as income under Item 3 on the second page of your return. Then and under Item 23 of your return you claim as a deduction the total amount received in country allowance LESS £1 per week for each week the allowance has been received.

(For example, had the country allowance been £6 per week for 10 weeks or £60 in all you would show that £60 in Item 3 of your return. Then in Item 23 you would claim £50 (that is, 10 weeks at £5) as a deduction.)

● **Where the country allowance is not paid in CASH because the employer provides the board (his option under the Award) the total value of the board provided (this must not exceed in value the country allowances laid down in our Award) is added once again to the Tax Certificate and is shown by the worker as income under Item 3 on his tax return. Then, and similar to the above, the worker claims as a deduction (under Item 23)—the total value of the board LESS £1 per week for every week the employer had provided board.**

Actually then and in brief you finish up paying tax on £1 per week for every week you either received country allowance or for which the employer provided board.

You should always insist that the employer shows on your Certificate the country allowance paid or the value of the board (which must not exceed the country allowances). You should also make sure that you claim the deductions to which you are entitled under Item 23.

All this may sound a bit complicated but two or three readings will clarify the position.

00073

NEW Tax Deductions operating from November 1, 1957 are shown for all Building Workers. B.W.I.U. Members are advised to cut the page out and attach it to their Award and Information Book.

Wage		No Deps.	Dep. Wife	Wf., 1 C.	Wf., 2 C.	Wf. 3 C.
13 10 0	13 12 6	1 1 3	13 6	9 3	6 6	4 5
13 12 6	13 15 0	1 1 6	13 9	9 6	6 9	4 9
13 15 0	13 17 6	1 2 0	14 3	9 9	7 0	4 9
13 17 6	14 0 0	1 2 6	14 6	10 3	7 3	5 0
14 0 0	14 2 6	1 2 9	14 9	10 6	7 6	5 3
14 2 6	14 5 0	1 3 3	15 0	11 0	8 0	5 6
14 5 0	14 7 6	1 3 6	15 6	11 3	8 3	5 6
14 7 6	14 10 0	1 3 9	15 9	11 6	8 6	5 9
14 10 0	14 12 6	1 4 3	16 3	11 9	8 9	6 0
14 12 6	14 15 0	1 4 9	16 6	12 0	9 0	6 3
14 15 0	14 17 6	1 5 0	16 9	12 3	9 3	6 6
14 17 6	15 0 0	1 5 6	17 0	12 6	9 6	6 9
15 0 0	15 2 6	1 5 9	17 6	12 9	9 9	7 0
15 2 6	15 5 0	1 6 3	18 0	13 3	10 3	7 3
15 5 0	15 7 6	1 6 6	18 3	13 6	10 6	7 6
15 7 6	15 10 0	1 7 0	18 6	13 9	11 0	8 0
15 10 0	15 12 6	1 7 6	19 0	14 3	11 3	8 3
15 12 6	15 15 0	1 8 0	19 3	14 6	11 6	8 6
15 15 0	15 17 6	1 8 6	19 9	14 9	11 9	8 9
15 17 6	16 0 0	1 9 0	1 0 3	15 0	12 0	9 0
16 0 0	16 2 6	1 9 3	1 0 6	15 6	12 3	9 3
16 2 6	16 5 0	1 9 9	1 1 0	15 9	12 6	9 6
16 5 0	16 7 6	1 10 3	1 1 3	16 3	12 9	9 9
16 7 6	16 10 0	1 10 9	1 1 6	16 6	13 3	10 3
16 10 0	16 12 6	1 11 0	1 2 0	16 9	12 6	10 6
16 12 6	16 15 0	1 11 6	1 2 6	17 0	13 9	11 0
16 15 0	16 17 6	1 12 0	1 2 9	17 6	14 3	11 3
16 17 6	17 0 0	1 12 6	1 3 3	18 0	14 6	11 6
17 0 0	17 2 6	1 13 0	1 3 6	18 3	14 9	11 9
17 2 6	17 5 0	1 13 6	1 3 9	18 6	15 0	12 0
17 5 0	17 7 6	1 13 9	1 4 3	19 0	15 6	12 3
17 7 6	17 10 0	1 14 3	1 4 9	19 3	15 9	12 6
17 10 0	17 12 6	1 14 9	1 5 0	19 9	16 3	12 9
17 12 6	17 15 0	1 15 3	1 5 6	1 0 3	16 6	13 3
17 15 0	17 17 6	1 15 9	1 5 9	1 0 6	16 9	13 6
17 17 6	18 0 0	1 16 3	1 6 3	1 1 0	17 0	13 9
18 0 0	18 2 6	1 16 9	1 6 6	1 1 3	17 6	14 3
18 2 6	18 5 0	1 17 0	1 7 0	1 1 6	18 0	14 6
18 5 0	18 7 6	1 17 6	1 7 6	1 2 0	18 3	14 9
18 7 6	18 10 0	1 18 0	1 8 0	1 2 6	18 6	15 0
18 10 0	18 12 6	1 18 6	1 8 6	1 2 9	19 0	15 6
18 12 6	18 15 0	1 19 0	1 9 0	1 3 3	19 3	15 9
18 15 0	18 17 6	1 19 6	1 9 3	1 3 6	19 9	16 3
18 17 6	19 0 0	2 0 0	1 9 9	1 3 9	1 0 3	16 6
19 0 0	19 2 6	2 0 6	1 10 5	1 4 3	1 0 6	16 9
19 2 6	19 5 0	2 1 0	1 10 9	1 4 9	1 1 0	17 0
19 5 0	19 7 6	2 1 6	1 11 0	1 5 0	1 1 3	17 6
19 7 6	19 10 0	2 2 0	1 11 6	1 5 6	1 1 6	18 0
19 10 0	19 12 6	2 2 6	1 12 0	1 5 9	1 2 0	18 3
19 12 6	19 15 0	2 3 0	1 12 6	1 6 3	1 2 6	18 6
19 15 0	19 17 6	2 3 6	1 13 0	1 6 6	1 2 9	19 0
19 17 6	20 0 0	2 4 0	1 13 6	1 7 0	1 3 3	19 3

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● *A B.W.I.U. Service*

BUILDING WORKERS' INDUSTRIAL UNION

(A.S.C. & J.)

Paste This in your Award Book

or make the alterations in your Book

SINCE your Award Booklet was published we have, in company with other unions, succeeded in securing some, though insufficient, adjustment of Income Tax and Sickness and Unemployment Benefits, as well as increased tax deductions for upkeep of tools of trade.

● The weekly tax instalments which can be deducted from your wages from November, 1957, are as set out on the back of this leaflet.

● We hope to succeed in securing further tax relief.

Incidentally, next year, 1958, is the year during which we believe that we can get rid of the Menzies Government and its "Sock the Worker" policy, as it is Election year.

UNEMPLOYMENT AND SICKNESS BENEFITS

Note on page 49 of your Book that these benefits have been increased to:

● Single man or married man without dependent wife—£3/5/- per week.

● Married man with dependent wife but NO children—£5/12/6 per week.

● Married man with dependent wife and children—£6/2/6 per week.

We are pushing now to have the higher rates operate immediately.

AGE PENSIONS

Note on pages 54 to 56 that Age and Invalid pension rate is now £4/7/6 per week.

AGE TAX ALLOWANCE

● Note on page 31 that a single worker over 65 may now earn £410 per year without paying tax.

● In the case of a married worker over 65 with a dependent wife over 60, £819 per year (£15/15/- per week) may be earned.

TAX DEDUCTION FOR UPKEEP OF TOOLS

● Note on page 27 to alter the amount of £10 to a £20 deduction.

SCAFFOLDING

● Note on page 23 of your Book that all scaffold planking must not be less than 18 inches wide, two 9 x 1½ planks.

00075

(See Other Side)

Here is the New Tax Scale to operate from November 1, 1957

(A B.W.I.U. Service)

Weekly Wage	Wife New Deduction	Wife & 1 child New Deduction	Wife & 2 children New Deduction	Wife & 3 children New Deduction
	£143	£234	£289	£364
£ s d	£ s d	£ s d	£ s d	£ s d
12 0 0	9 9	6 0	3 9	2 0
11 0 0	12 0	8 0	5 6	3 3
14 0 0	14 3	10 3	7 6	5 0
15 0 0	17 0	12 6	9 9	6 9
16 0 0	1 0 0	15 3	12 0	9 0
17 0 0	1 3 3	18 0	14 3	11 3
18 0 0	1 6 3	1 1 0	17 0	13 9
19 0 0	1 9 9	1 4 0	1 0 0	16 6
20 0 0	1 13 3	1 7 3	1 3 0	19 3
21 0 0	1 17 0	1 10 9	1 6 3	1 2 6
22 0 0	2 1 0	1 14 3	1 9 9	1 5 6

NOTE: **If you earn, say, £17/10/-, just halve the difference between the tax on £17 and £18, and add it to the £17 rate.**

PERMISSABLE INCOME

You are now permitted to earn an extra £2 per week without in any way affecting the amount of Unemployment or Sickness Benefit you should receive.

B.W.I.U. EFFICIENCY

This leaflet is another practical example of efficient, speedy B.W.I.U. Service.

The Budget was published on September 4th; your leaflet published on September 5th, and on its way to members' homes on September 6th. No other union in Australia did this.

Yours fraternally,
G. M. DAWSON,
State Secretary.

September 5, 1957.

00076

REMEMBER THESE POINTS!

DESPITE REPEATED WARNINGS from us many members are still falling for the "no tax" racket. But it is illegal for an employer to pay wages tax free with the result that workers who fall for the "no tax" racket have no legal redress if the boss fails to provide tax stamps or a tax certificate.

So remember this! If you can force the boss to pay above the award make sure that he takes out tax stamps each week on a gross amount which less tax would give you the amount of wages agreed on.

●

Make sure that you collect your tax stamps or certificates when you leave the job or when you are dismissed. If the employer hasn't come to light by the time you should fill in your return, send it in and tell the taxation department that your employer didn't come across with the stamps. The tax people will then hunt him down. This means that you should keep a record of your earnings with employers you have reason to distrust.

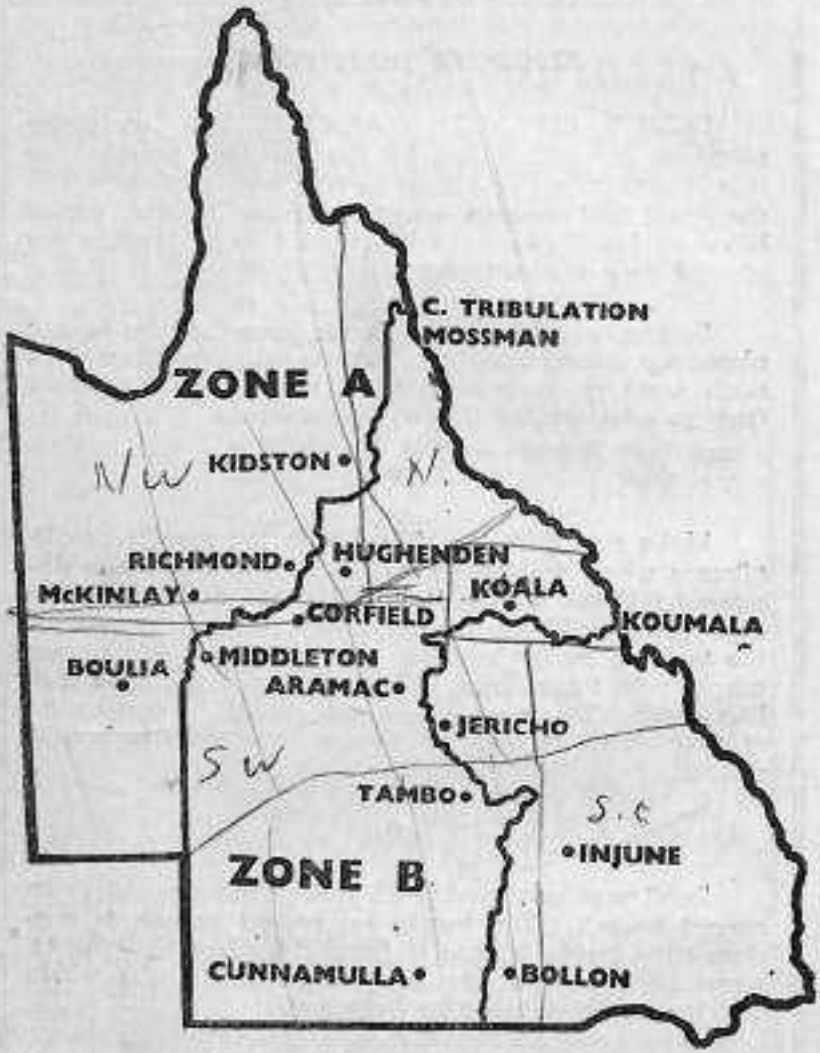
●

Don't wait until you leave a job before reporting an award breach. The longer an award breach is condoned the harder it is to rectify. It is also important to remember that the law lays down time limits within which complaints must be lodged.

●

Insist that your employer obey the law and clearly set out all payments and deductions on your pay envelope or separate voucher. Deductions for any purpose other than tax are illegal without your permission. If you have any complaints contact the union or local secretary. Clearly outline commencement of employment, date of termination, amount of wages paid, name and address of employer. Send also any other facts which you think are relevant.

00077



● Above is a map which shows the two Taxation Zones in Queensland, namely Zone A and Zone B. If you live in Zone A you are entitled to a taxation deduction of £180 per year. If you live in Zone B you are entitled to a deduction of £30 per year.

● You may apply for a proportion of the deduction if you have lived in the particular Zone for only portion of a year. Should you be not sure whether you are in a Taxation Zone, then inquire at the nearest Post Office.

00078

Attention Aged Members!

SPECIAL taxation concessions are available to workers 65 years of age and over and our members in that group should carefully read the material below.

● The special taxation concessions are available only to persons who have lived in Australia during the whole of the year of income and they apply only to a man 65 years of age or more at the end of the year of income and to a woman 60 years or more.

● If the income of a single worker 65 years and over does not exceed £390 for the year (that is £7/10/- per week), then such a person pays no tax.

● **If the income of a married worker 65 years and over who has a wholly dependent wife who is 60 years of age or over does not exceed £780 (that is £15 per week) then such a worker pays NO tax.**

Reverting to the single worker who is 65 or over: If the income is between £390 and £434 the tax payable is limited to 9/20ths of the excess over £390. For example, if such a worker earned £400 he would pay 9/20ths of £10 or £4/10/-.

Where the income of a married worker over 65 who has a wife over 60 is between £780 (£15 per week) and £1030 (£19/16/- per week) the tax payable is limited to 9/20ths of the excess over £780.

In all cases the term 'income' for the purposes of the age allowance refers to the gross income reduced only by expenses of earning the income. Concessional deductions must be disregarded.

Persons claiming the taxation concession for aged persons should carefully complete the statement of the first page of the Taxation Return.

And if your income is beyond £780 you should work out just how much tax you would pay normally (that is on your income less concessional deductions) and compare it with the tax you would pay under the age allowance, for in some cases you would pay more tax under the age allowance than you would normally.

However if you are 65 or over and your wife is 60 or over and you haven't earned more than £15 per week through the year you are completely in the clear and you PAY NO TAX.

00079

FAIR RENTS ACT

Advice on Evictions

SOME landlords may be alright—the majority will push you around if you let them. Here, then, is some useful information.

Question: I am being charged, I consider, an exorbitantly high rent, but my landlord refuses to consider any reduction—what do I do?

Answer: Apply to the Fair Rents Court for a fair rental determination on your premises.

You would need to either represent yourself, or have representation at such determination. Should you be successful and a lower rent than what you have been paying is determined—then the landlord cannot legally charge more than such determination.

Q: If I win a lower rent and the landlord verbally gives me notice to quit, what do I do?

A: Ignore any such verbal notice—and stay put.

Q: If, then, the landlord serves notice on me in writing to quit what then?

A: Stay put and get ready to take steps to resist his intentions. The landlord may apply to the Court to obtain an eviction order. Here, again, you would need to be represented in resisting such application.

The landlord now has the job in front of him, especially if as a result of your previous application the Court had determined a lower rental than previously charged.

Q: Can the landlord give me notice to vacate the premises as he is selling the property?

A: No. The property must be sold subject to the tenancy.

Q: In the case of the property being sold, am I bound to hold the house or flat I am renting open for access to all and sundry prospective buyers for tours of inspection?

A: No. You can, if there is no mutual agreement reached between the landlord and yourself, bail up and refuse entry for any such inspection.

Q: In the case of the property having been sold, can the new owner give me a few week's notice to vacate the premises?

A: No. The new owner must be in possession of the property six months before he can commence to proceed through the usual channels of giving the tenant notice to vacate the premises.

Q: In the case of my landlord dying and the property being left to another member of his family, does the new owner have to be in possession six months before he can give me notice to vacate?

A: No. Such new owner would be a "Successor in Title" and would have a "like right" as the previous owner.

00080

Q: Does the onus rest on the landlord to visit me to collect the rent?

A: No. Failing mutual agreement of arrangement, the onus is placed on the tenant, who at all times must seek out the landlord and pay the rent.

Q: Can the landlord require me to vacate the premises on the basis that he intends to carry out alterations?

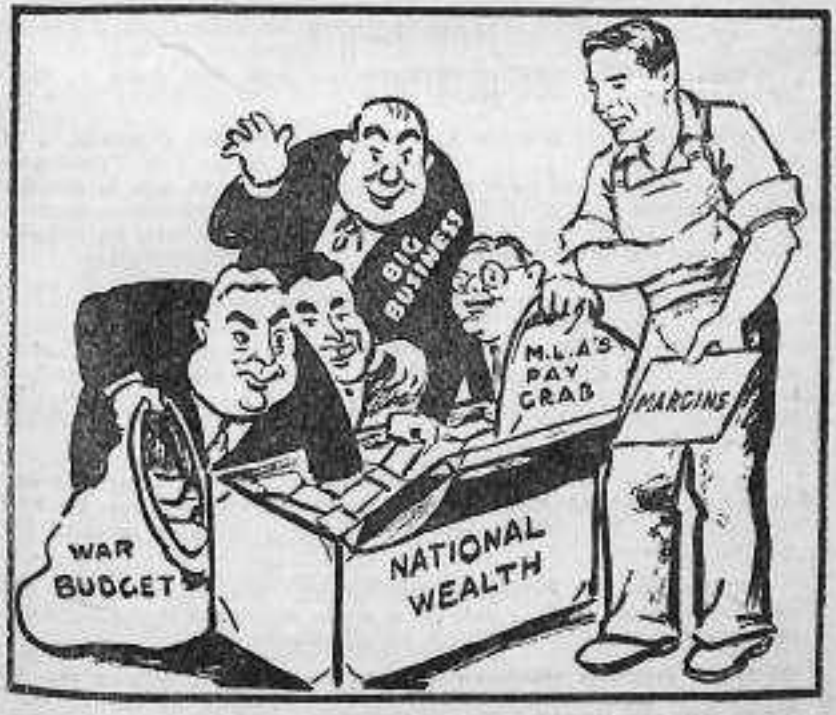
A: The only real way the landlord can get you out is "If you are damaging the premises"—"If you are not paying the rent"—"If you are using the premises for illegal purposes."

● Only the Court can order eviction, even for purposes of alterations to premises.

Q: I am married with a small child, and can't get anywhere to live. I know of a place that is to let, but the owner won't have children—what can I do?

A: Get the flat without the child; produce the child after you have gained tenancy. The landlord would then have a most difficult task to get you out because of the fact of having a child.

● **The B.W.I.U. has found that courteous advice to tenants is readily obtainable at the Fair Rents Division of the Prices Department, 1st Floor, Old Town Hall Arcade, Queen Street, Brisbane. If you think you are being imposed on by your landlord, do not hesitate to write or call on them for advice.**



"WHAT ABOUT A WAGE RISE FOR US?"

00081

WORKERS ACCOMMODATION ACT

AS many workers are not clear on the relationship between the Building Trades Award and the Workers Accommodation Act this section of our booklet will be of particular value to those in remote areas.

In our award it is clearly laid down that when work is situated away from suitable accommodation the employer MUST supply tents with sleeping and living accommodation therein at least equal to the standards laid down in the Workers Accommodation Act.

However it must be clearly understood that the Workers Accommodation Act applies ONLY when the employer does not supply board and accommodation of the type usually provided under the Building Trade Award.

Thus we shall be referring only to those cases where through isolation, remoteness etc. the employer cannot supply the usual board and accommodation.

MAIN POINTS

Here are the main requirements on tents laid down in the Workers Accommodation Act.

● For one man only the tent must be no smaller than 8 ft. x 10 ft. It must have a fly of not less than 10 ft. x 12 ft. Two men camping together must have a tent of not less than 10 ft. x 12 ft. with a fly of not less than 12 ft. x 14 ft. There can be no more than two men in a tent and if there are more than two men on the job then more tents must be found.

STRETCHERS — PILLOWS

● All stretchers must be supplied free by the employer and they shall be of good quality. The mattress shall be a minimum of 6 ft. 4 ins. long, 4 ins. deep and not less than 2 ft. 6 ins. wide. It must be filled with good quality ticking. Pillows (of good quality and clean) must also be supplied free.

● **Workers living in tents must not eat in such tents and another tent or suitable structure must be provided by the boss for eating purposes. Yet another and separate tent must be provided for cooking purposes.**

(Tents used for sleeping or dining must not remain in the one position for more than 21 days—it is up to you to see that this necessary health protection measure is rigidly carried out.)

If the employer supplies tent, stretcher, mattress, pillows, etc., he still has to pay the country allowance laid down in the Building Trade Award. Country allowance is not paid only when full and suitable board and accommodation is given.

00082

STOVES — RANGES

The employer also has the responsibility of supplying a cooking stove or range (having an oven of which the inside measurements are not less than 14 ins. x 14 ins. x 16 ins.) in cases where there are eight or less than eight men employed. Where more than eight are employed it would be as well to write us for the full details on cooking needs.

LIGHTING IS FREE

Lighting for tents etc. must be free and shall be efficient. Where possible electric light should be provided—failing that, kerosene pressure lights must be supplied. So if you put up with smoky kero lamps it's your own fault.

SHOWERS

On washing facilities the employer must:

● Provide SHOWERS (one for each six workers or part thereof). WASHBASINS (one to each four workers or part thereof), WASHTUBS (one to every two workers or part thereof) PLUS one COPPER and STAND to every 10 workers or part thereof.

The employer must also provide:

COOLERS

● A fly proof water drip cooler (that is, the bush cooler) or cool box (that is, the charcoal cooler) not less than 2 ft. x 2 ft. x 2 ft. inside measurements for food. Where there are more than six people to be cooked for the cooler must not be less in size than 3 ft. x 3 ft. x 2 ft. inside measurements.

CLOSETS

Closets in the proportion of one seat to every 10 workers or part thereof must be provided—same to be flyproofed, waterproof and at least seven feet high with a door and in clean condition. Adequate and free supplies of disinfectant shall be available at all times. Rubbish tins with close fitting lids shall also be supplied.

These conditions are of course nothing out of the bag and the Union is continually seeking to improve them. But if you land on the job and the accommodation is not up to scratch the best place to tidy the question up is on the Job. If that fails, contact us—but it is much better to demand your rights (laid down in this section) on the Job and see that you get them.

IMPORTANT

UNLESS the employer supplies all meals free—such meals to be cooked by a cook and not by the men on the job—together with tents, and full sleeping facilities, country allowance must be paid WITHOUT any deduction whatever. This means that when employers supply tents etc., but where the men buy their own food and do their own cooking, the country allowance must be paid.

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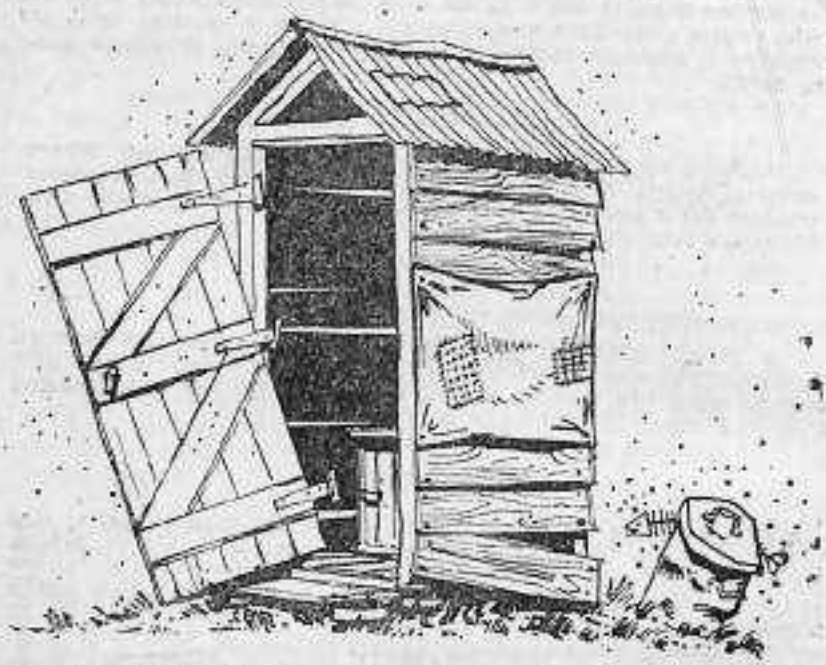
Health



THE best place of course to settle the matter of job conditions is on the job. Helpful to that is a knowledge of the various laws and regulations governing working conditions—PLUS unity and action on the job to ensure that you always work under the best possible conditions.

Very important to the health of a worker are the Sanitary Regulations which although varying slightly in different parts of the State are fundamentally the same in principle.

Below we publish important points from the Brisbane City Council regulations on sanitary conveniences. They are lawfully binding on your employer—see that he carries them out.

Temporary Lavatories

"As soon as any employee or other person commences work on any site or on any building or works, the employer shall erect an earth closet for the use of employees and shall forthwith order a pan for such earth closet." (City Council Regulations).

The closet shall at all times be available to employees and there must be regular disposal of nightsoil.

Construction

The earth closet must be of sound weatherproof walls and shall be substantially constructed. There must be complete privacy and the walls shall be at least 6 ft. 6 ins. in height at the lowest part.

There shall be a door on the closet capable of being fastened on the inside. The pan enclosure shall be a complete cabinet and it shall be completely fly proof. The closet shall be well ventilated—there must be a well-fitted vent pipe and the closet must be so built as to admit free circulation of air and to prevent the harbourage of rats and other vermin under such closet.

00084

Number of Closets

The number of closets to be provided by the employer is determined of course by the number of men on the job. One closet, says the City Council Regulations, shall be provided for each 20 men on the job. Should a separate urinal be considered necessary by the men this can be taken up immediately with the B.W.I.U. and that body will then take the matter up with the City Council.

● **And in any case the Factories and Shops Act provides that a urinal or trough must be provided where between 5 and 25 men are employed.**

● **Such then are the facts. Help us to help you by always ensuring that these minimum standards are fulfilled.**

★

GENERAL INFORMATION

● Clause 10 (24) provides a prosperity loading of 27/6 per week above the wage rates of other employees for those employees in meatworks employed by the specific employers named in the Sub-Clause.

YOU MUST NOT SUPPLY THESE

● Employees must NOT supply power driven tools, steel tapes, cramps, glue brushes, bars, hacksaws, fibro cutters. All such tools AND ALL TOOLS NOT PART OF A NORMAL KIT MUST BE SUPPLIED BY THE EMPLOYER.

5/8 DISABILITIES

● Members should carefully read Clause 3, Sub-Clause (20) the definition of Building Construction should the employer attempt to take advantage of Clause 10 Sub-Clause (1) (d).

STATUTORY HOLIDAYS

● A number of Court decisions declare that refusal to work on a holiday at double time rates could mean non-payment for the holiday.

LONG SERVICE

● Long service leave is counted as part of service for purposes of calculating annual leave. For example if you were off for three months on long service leave you have to work nine months only on your return before your annual leave is due.

00085

THESE BENEFITS ARE PAID TO FINANCIAL MEMBERS

YOUR UNION not only provides a very good service on wage questions, job conditions, "compo" and other important matters but it also pays a number of monetary benefits to members.

But to obtain benefits you must ALWAYS be FINANCIAL. Irrespective of how your officials may feel personally about your plight they (the officials) are prohibited first by the rules and secondly by our auditors' insistence that benefits must **NOT** be paid to unfinancial members.

Don't take the chance—keep financial.

Now here are your rights and the conditions governing them on union benefits.

TOOL BENEFIT

MAXIMUM PAYMENT £20: Fire and/or theft loss covered. Members claiming must have had 12 months membership or more and must have been financial at time of loss. Maximum benefit may be paid only once in each year and is not paid in money, but to the firm from whom the tools are replaced.

● Claimants must lodge a special form obtainable from the union with the sub-branch secretary and this form must be witnessed by a JP. The loss must be immediately reported to the police and a declaration to that effect made on the form obtained from the union.

Apprentices who have been in the union for 12 months or more may claim tool benefit also, but they shall be paid only half the amount allowed to adult members. It will be appreciated that this is necessary because of the low union dues paid by apprentices.

FUNERAL ALLOWANCE

MAXIMUM PAYMENT £20: Paid to the widow or next of kin of a deceased member subject to this condition: the deceased member must not have been 50 years of age when joining the union and must have been financial on death.

On the death of a member who has been in the union 12 months the funeral allowance is £1. The allowance then increases at the rate of £1 for each year of membership but the maximum payable is £20.

00086

OTHER FUNDS

CONTINGENT FUND: This fund is controlled by the S.M.C. and is used for further assistance to our members and other organisations. Application for assistance from this fund must be recommended by the Sub-Branch on behalf of the member or organisation.

DISTRESS FUND: All sub-branches carry a Distress Fund to help members in distress. Applications which are limited to £3 on any one application must be made to your sub-branch secretary, and full details must be given.

This fund is NOT an Unemployment Fund and it will be appreciated that (like other funds) great care is exercised in its administration.

AGED AND INFIRM MEMBERS

MEMBERS over 65 years of age, or members who have had 25 years continuous membership, who through infirmity are unable to work continuously at the trade may retain membership by paying 2/- per half year in advance. Such members shall be entitled to receive funeral benefit only—provided that this does not apply to members who were over 55 years of age when joining the union. Journals and other literature are sent to aged members.

DON'T FALL FOR PIECEWORK

★

OR FOR LABOUR ONLY JOBS

00087

● DINGY LIGHTING
● DUSTY CONDITIONS
● DIRTY TOILETS

DONT PUT UP WITH THIS

THE Factories and Shops Acts provide for the health and welfare of workers in factories and shops—in particular joinery factories.

However, while the Acts are very good, it is necessary for all workers to ensure by organisation on the job that the boss is "kept up to scratch" on his obligations.

If you believe that breaches of the Acts are taking place contact your union immediately.

Here are some of the main things which the Acts say the employer must install.

DUST EXHAUST

● **An efficient exhaust system for the elimination of dust. Measures to provide air and light in proper measured quantities and in strict accordance with the high standards laid down in the Acts.**

SANITATION

● One water closet (i.e. sewerage or septic) for each 25 male employees. One urinal stall or trough (not less than two feet in length) where between 10 and 25 workers are employed and two troughs, etc., where between 24 and 50 males are employed.

● One earth closet (where there is no septic or sewerage) for every 15 employees or part thereof up to 90 employees and thereafter one closet to every 20 employees. One urinal stall or trough must also be installed where between 5 and 25 workers are employed. Two must be installed for between 24 and 50 males.

LOCKERS

Every factory unless exempted by the Labour and Industry Department must provide an individual locker for each employee.

DRESSING

Dressing rooms with seating accommodation and with a minimum floor area of from four square feet to seven square feet per employee must be provided by factory owners.

MEAL ROOM

Where there are more than six workers in a factory a fit and proper meal room must be provided. Such room shall not be used for any other purpose. Boiling water shall be supplied and flyproof

00088

refuse receptacles installed. Such dining room shall have a minimum floor area of not less than 10 square feet per person. No factory employee shall be compelled to take his meal at his bench or in any covered working section of the factory.

WASHING

Washing conveniences must be supplied by the employer. Where more than 20 persons are employed a bubbler type of drinking fountain with water at no more than 75 degrees Fahrenheit shall be provided. Such fountain must have a mouth guard.

FIRST AID

In every factory where more than 10 workers are employed, suitable first aid and ambulance equipment must be supplied. In a very large factory a casualty room must be built and fully equipped. In factories where more than 20 workers are employed there shall be a qualified first-aid attendant who shall be readily available to attend to injuries.

There are many other good features in the Acts but it is essential to always remember that organised action on the job, together with union activity, is necessary before employers will observe the law.

★

TREATMENT OF SHOCK

SHOCK is a condition which results from accidents, and is of the utmost importance in First Aid, as it is a common cause of death when the patient is not killed outright.

● Arrest severe haemorrhage, if present. Lay the patient on his back on a blanket, carefully steadying and supporting any injured part.

● Keep his head and shoulders low, turn his head to one side, and raise his lower limbs unless contra-indicated by the nature of the injuries.

● Loosen all clothing about the neck, chest, and waist, and ensure a free circulation of air. In particular, remove all wet clothing.

● Examine for and prevent aggravation of injuries and treat the patient. While the pulse remains feeble, apply vigorous friction to the injured limbs on their inner side towards the heart.

● Keep the patient warm by covering him with coats, blankets, etc., but do not overheat him to the point of sweating, as this reduces the fluids in the body, and increases shock.

● Stimulate the patients by such suitable methods as are available. (Alcohol must not be given unless ordered by a Doctor).

● Nothing must be given by the mouth when injury to an internal organ is suspected or when the patient is unconscious. Take the patient to a Doctor or to Hospital.

00089

Apprentices

THESE PAGES CONCERN YOU

WHILST apprentices' wages and conditions have been much improved as a result of the BWIU's and some other unions' activities, they are still far short of that which the BWIU and other unions demand.

All members should take the greatest possible interest in apprentices—help them to win better wages and conditions—encourage them to join our union so that they will be good unionists from the word "go." Tell them to contact us if in trouble.

Our apprentice members can find out their wage at any time by taking the following percentages of the tradesman's rate at the particular time.

- **First year 30 per cent.**
- **Second year 37 per cent.**
- **Third year 47 per cent.**
- **Fourth year 67 per cent.**
- **Fifth year 82 per cent.**

Sick Pay

Apprentices are entitled to two weeks sick leave each year. If not taken, the sick leave accumulates but NO MORE than FOUR weeks may be taken in any one year. When the apprentice has completed his indentures, and provided he remains with the same employer, any sick leave he may have accumulated remains as a credit and may be taken out when necessary.

For absences beyond two days, it is necessary to produce a doctor's certificate or some other evidence satisfactory to the employer. For absences of two days and less, a certificate is not necessary, but it would be wise for the apprentice (or someone acting for him) to inform the employer that he cannot come to work. A letter or 'phone call is usually sufficient.

Holiday Pay

Apprentices are entitled to two weeks holiday each year. Since apprentices cannot be stood down and must always work under the supervision of tradesmen, this means that if the job closes down at Xmas (and your holidays aren't due) you must be paid for the period you are stood down.

Cannot Be Sacked

The employer cannot sack an apprentice but he can suspend him. Should an employer take the latter action he must immediately apply for endorsement of his action to the Apprenticeship Committee.

00090

As your union has two representatives on the main Brisbane Committee, this guarantees that if the action of the employer has been unjust, the utmost opposition will be offered.

National Service Training

Our Union has pressed the Governments to make National Service Training part of the apprenticeship of all apprentices.

We have succeeded in having the Menzies Government amend the National Service Act to provide that such training shall count as part of apprenticeship.

At the time of publication of this book the Queensland Government had yet to amend the law in Queensland. **We are, however, confident that by the time you read this book the Queensland law shall also provide that National Service Training shall count as part of apprenticeship. All apprentices should check with us on this matter.**

At present Government Departments will make up wages for 16 days if the N.S.T. pay is lower than the normal wage.

Allowances

● Apprentices must be paid the same allowances as tradesmen in all cases where allowances are paid under the Building Trade Award: For example, fares, country allowance, meal allowance, must all be paid at the same rate as that paid to the tradesman.

Tool allowances to carpenter apprentices are as follows:

In the first, second and third years tools to the value of £9/12/6d. per year shall be purchased by the employer and supplied to the apprentice. Should an apprentice be employed by an employer for a lesser period than one year the employer shall purchase and supply to the apprentice tools of a pro rata value.

During the fourth and fifth years of training the tool allowance to apprentices is the same as that for the tradesmen.

Apprentices in joinery establishments get tools to the value of £7/17/6 in the first three years and thereafter the same tool allowance as tradesmen.

Not Labourers

● **Apprentices should not allow employers to use them as labourers and if this occurs, apprentices should contact the union or the Apprenticeship Office.**

● Apprentices 16 years and under are not allowed to lift weights above 28 lbs. (if a rigid article) or 24 lbs. (if not rigid but bulky). Apprentices 16 years to 18 years are not allowed to lift more than 35 lbs. (if a rigid article) or 28 lbs. in other cases. These conditions are laid down in the Factories and Shops Act.

Long Service Leave

The period of apprenticeship—provided it is served with the one employer—is counted as service for calculation of long service leave purposes (see special section on long service leave).

00091

College

Time to get to college must be allowed by the employer and apprentices must be allowed to have sufficient time to have their meal break before going to college.

Overtime

During the first three years of their apprenticeship, apprentices shall not work more than six hours overtime in any one week—except in cases of emergency. In such cases notification of the emergency must be sent to the Apprenticeship Committee and approval obtained.

The proportion of apprentices to tradesmen shall not exceed one apprentice to every two fully paid journeymen or fraction of two; provided that an employer working at the trade shall be considered a fully paid journeyman.

Probation

The service of an apprentice on probation may be terminated by the giving of one week's notice to the probationer, by the employer, or to the employer by the probationer, or in lieu thereof one week's wages shall be paid or forfeited, except where such termination is caused through the probationer's disobedience or dishonesty.

APPRENTICES MUST GET THIS BASIC TRAINING

BELOW is the basic training necessary for apprentice carpenters in each of their years of training.

First Year

Care and use of tools.
Setting and sharpening saws, grinding and sharpening tools.
Instruction in marking out, morticing, halving, planing, sawing.

Second Year

Use of steel square.
Marking out and cutting roof timbers and steps.
Care and use of tools, including setting and sharpening of saws, planes, and chisels.
Floor laying.

Third Year

Fitting and hanging joinery.
Inside finishing, skirtings, architraves.
Roof setting out and construction.
Stair setting out and construction.
Concrete forming.
Weatherboard work.

Fourth Year

Setting out for building.
Reading of plan and specifications.
Roofing and stair construction.
Inside finishing.
Fitting and hanging joinery.

Fifth Year

Setting out for building.
Reading of plan and specifications.
Setting out rods.
Roof setting out and construction.
Stair setting out and construction.
Setting out and preparation of concrete forming.

00092

STRIPPED of all the legal verbiage here are the main points from the long service leave legislation under the Arbitration Act which covers building workers, together with some notes on the Public Service Regulations.

Railway Long Service Leave is covered by By-Law 690 and all employees are entitled to a copy of such By-Law. A summary of entitlements under By-Law 690 is also shown in this material.

Long Service Leave now covers ALL workers in Queensland whether employed under Federal or State Awards—or under no Award at all.

Not On Industry Basis

Biggest single weakness in Queensland's long service leave legislation is that the leave is based solely on length of service to the same employer or the same business—**and not to the industry.**

Thus the majority of building workers will never get long service leave (unless we can force changes in the Act) because they have had many employers over the years.

Main Provisions

Here are the main provisions on long service leave:—

● To get the full 13 weeks long service leave it is necessary to have had 20 years **continuous** employment with the same employer or with the same business.

● Apprenticeship is counted as service provided the apprentice continues to be employed by the same employer he had during his apprenticeship.

● Service with the armed forces during World War II and the C.C.C. counts as service, but only if the person concerned went back to the employer he had before going into the army or C.C.C. Korean, Japanese (i.e. occupation forces) and Malayan service are not counted for long service leave.

Breaks in Continuity

Absences from work due to stand-downs, slackness of trade, strikes and dismissals DO NOT break continuity of service PROVIDED the worker is re-engaged by his original employer. But such breaks ARE NOT counted as service and the time off must be made up.

Absences on account of illness or injury (i.e. time off on compensation) DO NOT break continuity and it is certain that up to three months such absences DO NOT count as service either. Beyond three

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months there is doubt although it is our view that service is not broken even beyond three months.

Occasional absences from work (say 3 or 4 days off) break neither continuity nor service provided that there is clear proof that the employer gave permission for the absence. But always make sure you have proof that permission has been given.

But governing all of the above is that the worker must have been re-engaged by the employer he had previously.

Pro Rata Leave

Recently the Arbitration Act was amended to provide that if a worker is dismissed or IF HE HIMSELF terminates his employment after 10 years continuous service, he is entitled to pro-rata long service leave with a minimum of 6½ weeks after 10 years.

- Dismissal for alleged misconduct would not constitute good ground for an employer refusing to meet the pro-rata payment, as the pro-rata leave is given for satisfactory service that the employee has already given, irrespective of the circumstances of his dismissal or termination of service.

Holidays Not Included

Payment for the long service leave due must be at the actual rate being received by the worker in all cases where such rate is in excess of the Award. In other cases payment is made on the base wage rate plus sick pay. Tool allowance does not have to be included.

However, the period of long service leave does NOT include any statutory holidays which fall in the period of the leave: A big "touch" for a number of holidays (e.g. Easter or Christmas) could well fall within the leave period.

Continuing Offence

Failure by an employer to pay proportionate long service leave is a continuing offence and a complaint alleging a breach of the Arbitration Act (and in our case the Award also) need NOT be made within the usual period of 12 months.

In fact there now appears to be no definite limit to the period within which a prosecution can be launched, although the legislation does provide that a claim for payment of long service leave must be made within three years of the date when the long service leave became due and payable.

- **The amending legislation which reduced the pro-rata period to 10 years instead of 15 years as previously, is retrospective to November 1, 1955.**

Lump Payments — Death

Long Service Leave must be taken when due, and cash cannot be accepted as an equivalent—in short, you cannot take the cash **and keep on working.** The B.W.I.U. of course, would oppose such a procedure even if the worker and employer agreed: for the quickest way to lose hard-won conditions is to agree to the breaching of them.

Should a worker on long service leave die, or should he die with any long service leave at all due to him, then all monies due must be paid to his dependants or the agent of such dependants.

Most employers pay long service leave in one payment, but unfortunately, there is nothing in the Arbitration Act or our award to stop an employer paying the amount due by weekly payments. But the latter must be done by a cheque sent to the worker's home.

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Taxation

Long service leave payments are fully taxable (except under certain conditions outlined later) and if a lump payment is made the normal procedure is to multiply what your weekly tax deduction would be by 13 and deduct the total from the lump payment. In short, long service leave would be 13 weeks at the wage being received and the tax to be deducted would be 13 times the weekly tax on such wage.

● It is quite wrong for employers to calculate the tax on the total amount of the leave.

However should you receive your long service leave on RETIREMENT (in brief if you do not intend returning to work) then you pay income tax on ONLY 5 per cent of the total sum received for long service leave.

LSL and Govt. Workers

Members are frequently confused between the long service leave provisions in our Award and the Public Service Acts and Railway By-Laws etc., which govern the employment of workers in the Railways, Public Works Department, Housing Commission, etc.

On this, the broad position is that if you work for the Government (P.W.D., Q.H.C., etc.) you are entitled to one week's accrued long service leave each year. The Railways have special long service leave conditions of three months after 15 years service, four and one half months after 20 years, six months after 25 years.

A very bad feature of the Public Service Act and Railway By-Laws in respect to long service leave is that service with the Commonwealth Government does not count as part of the qualifying period for long service leave although the Commonwealth Government does count service with the State when calculating period of service for Commonwealth recreational leave.

10 Year Period Applies

● Due to union pressure the recent amendment reducing the qualifying period for long service leave to 10 years for workers in private industry applies also to Government Departments in those cases where the worker leaves or is dismissed after 10 years service.

However the amount of long service leave paid is that provided under the **Arbitration Act** and not that provided under the Public Service Act or the Railways By-Laws. For example a Q.H.C. worker leaving after 10 years service would get only 6½ weeks long service leave (i.e. 10/20ths of 13 weeks) and not 10 weeks (i.e. a week a year as under the Public Service Regulations.)

Should further information be required on long service leave provisions in Government Departments it would be best to contact the B.W.I.U. as such provisions are fairly complicated and in many cases inquiries need individual examination.

Should Make Angry

This material should be useful for those who stand a chance of getting long service leave under the present restricted legislation.

It should make those who at present have no chance of getting leave even more indignant.

● **What is required is for all to demand with one voice that long service leave is the right of ALL workers and that it should be paid on THE BASIS OF SERVICE TO AN INDUSTRY and not to a particular employer.**

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COMMONWEALTH LONG SERVICE LEAVE

LONG service leave provisions under the Commonwealth Employees Furlough Act are far superior to those in the Queensland Conciliation and Arbitration Act.

Workers covered by the Commonwealth Employees Furlough Act are broadly speaking all employees of the Commonwealth, both temporary and permanent; the Act would cover therefore building workers with Commonwealth Works, the PMG and other such Commonwealth authorities.

Service with any State authority (that is, a State Government authority) counts as period of service. This is in sharp contrast to the Queensland legislation on long service leave which precludes service with the Commonwealth being counted for long service leave purposes under the State Act.

Main feature of the Commonwealth Employees Furlough Act is that one must remain an employee of the Commonwealth OR BE RETRENCHED to obtain its benefits. In short if you "snatch the job" or be "discharged on account of unsatisfactory conduct" you get no leave. **The only exception to the above is that you can resign after fifteen years service and get all leave due, or you can resign and still get your leave if you have turned sixty years.**

Here are the main provisions of Commonwealth legislation on long service leave or as they call it—Furlough.

● Where the period of service is at least 15 years long service leave or furlough is granted at the rate of three tenths of one month for each completed year of service. Thus leave due after 15 years would be 18 weeks (that is 3/10ths multiplied by 15 which equals 4½ months or 18 weeks). For each year of service beyond 15 years an additional 3/10ths of a month (9 days) per year is added to the 18 weeks.

WHERE 15 YEARS NOT UP

Under certain conditions it is not necessary to have 15 years service in hand to obtain long service leave or furlough. The leave which may be granted for shorter periods of service AND the conditions under which it may be granted are:

● Where the period of service of the Commonwealth employee is NOT LESS than 8 years but is less than 12 years—three months.

● Where the period of service of the Commonwealth employee is not less than 12 years—four months.

CONDITIONS NECESSARY

However, governing the above is that the employee must have ceased to be a Commonwealth employee (otherwise than by discharge on account of unsatisfactory service) on or subsequent to his attaining the age of 60 years OR HIS RETRENCHMENT.

This means that a Commonwealth employee dismissed after 8 years for other than unsatisfactory conduct would be entitled to three months leave if he had between 8 and 12 years service and four months if he had between 12 and 15 years service.

But if the worker left the job on his own accord after 8 years he would get nothing—neither would he get anything if he left the job before the 8 years was up—excepting under the conditions laid down in the fourth paragraph of this article.

Thus, generally speaking, one must remain an employee of the Commonwealth or be dismissed or retrenched by the Commonwealth or have reached 60 years of age to get the leave and it is due only then after 8 years.

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All You Need to Know On Dole And Sickness

JOBS — NOT THE DOLE has long been a very real slogan of the working people. This is because the system under which we live and work—Capitalism—periodically enters economic crises of varying severity.

Thus it is essential that alongside our demand for full employment on better and better rates of pay and under continually improving job conditions we must also raise the demand for higher unemployment benefits.

Certainly we should insist on obtaining our FULL rights under the present inadequate Act. Here are the main things you should know on Unemployment Benefits.

Benefits Payable

● **The maximum benefit for a married claimant is £2 10s. a week, with an additional £2 a week for a dependent wife and 5s. a week for one child under 16 years, making a total of £4 15s. a week. In addition, he may have other income of £1 a week, making his total receipts £5 15s. a week.**

● The maximum benefit for an unmarried claimant 21 years of age or over is £2 10s. a week, and he may have other income of £1 a week, a total of £3 10s. a week.

● The weekly rates for unmarried claimants under 21 years of age are: 16 years and under 17 years, £1 10s., with other income of 5s., total £1 15s.; 17 years and under 18 years, £1 10s. with other income of 10s., total £2; 18 years and under 21 years, £2, with other income of 15s., total £2 15s.

Effect of Income

Where the income exceeds the appropriate permissible amount the rate of benefit is reduced by the amount of the excess.

For the purposes of the means test for unemployment benefits, the income of the claimant's wife is taken into account, but where the claimant and his (or her) spouse are permanently separated any income received by the spouse may be disregarded.

For both unemployment and sickness benefits the income of the wife also affects the determination of whether the wife is dependent on the claimant for the purpose of payment of additional benefit.

What is Income?

"Income" includes earnings and any other form of income derived from any source whatsoever, also any periodical payment or benefit by way of gift or allowance, but **does not include** child endowment or other payments in respect of children, a maternity allowance, a war pension (as distinct from a service pension), an amount received in reimbursement of medical, dental or similar expenses actually paid (other than a periodical payment or an accumulation of instalments), Commonwealth hospital and medical benefits **including an amount received from a registered benefit organization up to the total amount of** fees), pharmaceutical benefits or tuberculosis allowance.

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Up to £2 Not Income

In cases of sickness benefit, £2 a week of any payment received from an approved friendly society or other similar approved body in respect of the incapacity for which the benefit is claimed is not counted as income.

Persons Eligible

Men, over 16 and under 65 years, and women, over 16 and under 60 years, who are qualified in other respects, are eligible for unemployment and sickness benefits if they have been resident in Australia for the twelve months immediately preceding the claim.

Unemployment Benefit

UNEMPLOYMENT: To qualify for an Unemployment Benefit a claimant must establish—

- that he is unemployed and that his unemployment is not due to his being a direct participant in a strike;
- that he is capable and willing to undertake suitable work; and
- that he has taken reasonable steps to obtain such work. (Registration with the local Commonwealth District Employment Officer is necessary.)

Sickness Benefit

SICKNESS: To qualify for a Sickness Benefit a claimant must establish—

- that he is temporarily incapacitated for work by reason of sickness or accident; and
- that he has thereby suffered a loss of salary, wages or other income.

Payment of Benefit

Unemployment Benefit is payable from and **including the seventh day after the day on which the claimant becomes unemployed or lodges his claim, whichever is the later,** and continues only so long as he is able and willing to undertake suitable work and is otherwise qualified.

Sickness Benefit is payable from and **including the seventh day after the day on which the claimant becomes incapacitated, provided a claim is lodged within thirteen weeks after that day.** If the claim is not lodged within 13 weeks, payment commences from the date on which the claim is lodged except where the Director-General, in special circumstances, decides to pay from an earlier date.

Note This

A claim for workers' compensation made within thirteen weeks after the date of the incapacity may be treated as a claim for sickness benefit for the purpose of determining the date of commencement of benefit.

It is important to claim early. Claims may be made by another person on a claimant's behalf, even if full details are not available. Payment is made weekly by cheque.

Compensation

Pending the determination of a claim for compensation (or damages, etc.), a sickness benefit may be paid without any deduction in respect of the compensation, but the Director-General of Social Services may require the person against whom the beneficiary has a claim to pay to him (the Director-General), out of the compensation, the amount of sickness benefit overpaid in consequence of the compensation entitlement.

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PRECAUTIONS AND MEASURES TO BE TAKEN FOR SECURING THE SAFETY OF PERSONS IN CONNECTION WITH ROOFS SHEATHED IN ASBESTOS CEMENT OR OTHER BRITTLE MATERIAL

15A (b) **Purlins.**—The distance between purlins or roof battens or other immediate supports for corrugated asbestos cement roof sheathing or other brittle material shall be not more than two (2) feet three (3) inches measured centre of one purlin or roof batten or other immediate support to the centre of the next purlin or roof batten or other immediate support. Sheets shall be screwed at all battens. Purlin battens shall be not less than three inches by one and one-half inches pine or hardwood.

All timbers forming the roof frame shall be supported in such manner as to ensure that at all times they will carry the load of workmen and roofing materials imposed upon them.

(c) **Spacing of Common Rafters or Principal Rafters.**—If the distance between common rafters or principal rafters is greater than four (4) feet—then the size of purlins or roof battens shall be increased proportionately with the spacings of rafters as directed by an inspector to ensure that the maximum safety is obtained.

As an alternative, a wider spacing of purlins may be approved by the inspector up to four (4) feet for "Large Section Sheets" and three (3) feet for "Small Section Sheets," provided that the purlins are first covered with ten (10) gauge steel wire mesh and securely fixed to roofing members. The size of such mesh shall be not greater than twelve (12) inches in length by six (6) inches in width. The wires forming each mesh shall be strongly secured one to the other at each corner of such mesh.

Safety mesh shall be deemed not to conform to this regulation unless such samples of mesh as may be required have been submitted to the inspector and approved by him.

The safety mesh shall be fixed immediately and closely under the roof sheathing without other intervention and so that it rests upon each of the roof members. It shall be free from perceptible sag.

Where a break of continuity in the safety mesh occurs, such mesh shall be effectively joined to preserve continuity.

(d) No person shall place, lay or fix, or cause to be placed, laid or fixed upon any roof structure or part thereof, any roof sheathing of asbestos, cement or other brittle material unless the aforesaid provisions have been complied with.

(2) For the purpose of fixing the asbestos roof sheathing to the purlins or battens, catwalks or planks must be provided for the safety of the workmen.

00099

DEATH, GIFT DUTIES AND WILLS

RESPONDING to many inquiries we publish this information on death duties, gift duties and Wills. There are three different types of death duties.

(1) Probate Duty

● This is chargeable at the rate of £1 per £100 or part thereof on the value of a deceased estate. There is an exemption for the widow and children under 16 to the value of £4,000. For children other than minors the exemption is £1,500.

(2) Succession Duty

● This is chargeable on the benefits which persons derive from another person's death; that is from a legacy or share in an estate or from gifts made by the deceased within a few years prior to death. Rates of duty are:

Value	Widow and infant children	Children over age
Up to £1,500	exempt	exempt
£1,501 to £2,500	exempt	1½%
£2,501 to £4,000	exempt	2½%
£4,001 to £5,000	(a)	3 %
£5,001 to £8,000	5%	5 %

(a) Should a widow and infant children receive benefits outlined in (2) of between £4,001 and £4,250 there is a rebate of 75 per cent on the standard rate of 3 per cent; for between £4,251 and £4,500 a rebate of 50 per cent of 3 per cent; for between £4,500 and £4,750 a rebate of 25 per cent of 3 per cent. The full rate of 3 per cent is paid between £4,750 and £5,000.

(3) Estate Duty

This is payable to the Commonwealth Government but widow and children are exempt up to £5,000.

THE next type of duty we deal with is gift duty. The tables below relate to single gifts only and not to a number of gifts within a period of say one or two years.

Gift Duties

State Govt. Gift Duty	Amount Paid
Less than £1000	Exempt
£1,000 to £2,500	3 per cent
£2,501 to £5,000	5 per cent
Over £5,000	5 per cent and ½ per cent each addit. £2,000

As regards the Commonwealth gift duty is NOT paid on amounts up to £2,000. Between £2,001 and £10,000 duty of 3 per cent is payable.

Please Note This

● When a person dies a statement of assets and liabilities must be rendered to the Commissioner of Stamp Duties if part of the assets consists of land. Thus where there is land in an estate whatever the value of that land may be, Succession Accounts must be lodged.

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- Otherwise as will be seen from the above no death duties are payable in an estate if the value of that estate does not exceed £4,000 and passes to a widow and infant children. If the estate passes to children who are over age the exemption from duty is £1,500.

Warning

Now here is a warning. Quite often a person thinking he was about to die has fallen for the advice of "Bush Lawyers" to the effect that he should transfer the property to a relative. But on a property valued at say £3,000 the gift duty to transfer would be £150 (see table) whereas the property could have been transmitted much more cheaply under a Will since no death duty would have been payable.

Make a Will

Members with property are strongly urged to make a Will. Contrary to general belief if a person dies without a Will and leaves a widow and family the widow is not entitled to the full estate, excepting in certain circumstances.

Further, failure to make a Will can involve the children to whom the property is left in quite considerable expenses because a Grant of Administration must be taken out if no Will is left.

Overall our advice is this: If you contemplate making gifts of property or if you suffer a bereavment and wish to know what steps should be taken on the estate get proper advice from either the Public Curator or a solicitor. Make sure you make a Will. Don't try to make your Will on a Will Form bought at the local stationers. Home made Wills cause a lot of trouble. See the Public Curator on this important matter.

(Acknowledgment is made to the Public Curator (Mr. A. Ford) for the valuable material from which this section of our Booklet was drawn.)

PENSIONERS — PLEASE NOTE

We've already given this matter some publicity but more is needed.

- **Pensioners (age, invalid and widow) are entitled to return rail passes to any centre within the State each 12 months.**
- **Second class rail travel is granted and there is no restriction as to the period of absence on the journey.**
- **Application for free rail travel should be made to the Labour and Industry Department, Treasury Buildings, Brisbane, to permit the bona fides of the applicant being checked and the rail requisitions being sent out by post to the applicant.**

00101

YOUR PENSION RIGHTS

MEN are entitled to age pensions at 65 years of age and women at 60 years of age provided the person claiming the pension is a British subject and has lived in Australia or New Zealand for 20 years.

An Australian returned soldier who has had overseas service can obtain a service pension (old age) at 60 years of age.

A British migrant with less than 20 years residence should check with the Social Services Department regarding his rights under the United Kingdom-Australia Reciprocity Agreement.

Invalid Pensions

Invalid pensions are payable to British subjects who:

(1) Are certified permanently incapacitated for work by the Commonwealth Doctor,

and (2) Are over 16 years of age,

and (3) Have lived in Australia or New Zealand for five years. (A person who did not become permanently incapacitated in Australia must have 20 years residence.)

Rates of Pensions

Rates are the same for invalid and age pensioners, and for men and women. The maximum pension is ~~£208~~ £227/10/0 a year (~~£4 a week~~ £4/7/6 a week).

An invalid pensioner also receives £36 a year (10/- a week) for each child under 16 except the youngest child. A child's allowance of £30 a year (11/6 a week) is paid for the youngest child only.

If the wife of an invalid pensioner is not entitled to a pension in her own right she can receive a wife's allowance of £91 a year (£1/15/- a week).

An age pensioner is not entitled to any payments in respect of his children or a wife who is not eligible herself for pension unless he is permanently incapacitated for work.

Means Test on Income

There is a means test on both income and property. However the following types of income are NOT taken into account when assessing income:—

(i) Income derived from property e.g. rental from flats, interest on bonds.

(ii) Gifts from children or parents.

(iii) Child endowment.

(iv) Friendly Society and Medical Benefits payments.

(v) Union benefits for sickness and old age.

This Property Not Counted

The following types of property are NOT taken into account when assessing pensions.

● The pensioner's permanent home. If you intend to let portion of your home, check your position with the Social Services Dept.

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- Furniture and personal effects, including motor vehicles, provided they are not used to produce income.

- Any property which the pensioner does not own but in which he has a life interest only.

- The capital value of an annuity.

In certain circumstances the Social Services Dept. may disregard the value of property owned by a pensioner e.g. cases have been known where a house could not be occupied as a home because of illness, but was still considered as the pensioner's permanent home and was therefore exempt. However, each case is dealt with on its own merits.

How Income Affects Pension

A single pensioner is allowed to have an income from personal exertion, superannuation etc., of £3/10/- per week (£182 a year) without his or her pension being affected. Any excess over £3/10/- a week (£182 a year) is a direct deduction from pension.

As the maximum pension is ~~£4~~ £4 7 6 a week, no pension is payable if a person's regular income is ~~£8/10/-~~ £7 17 6 a week.

Joint Income

In the case of a husband and wife who are not living apart, the incomes of husband and wife are NOT calculated separately.

The total incomes of both husband and wife are added together and divided by two. For example, if a husband has a superannuation of £7 a week and the wife earns £1 per week their total income would be £8 a week. Divided by two this would be £4 a week each. Pension, or pension and wife allowance would be reduced on this basis by 10/- a week each. This method of calculation applies even if only one is a pensioner.

- **No pension can possibly be paid if the total regular income of husband and wife exceeds ~~£15~~ £15 15 0 a week.**

Effect of Children

When calculating "income" in assessing pension allowance is made for children maintained by the pensioner. A single person maintaining children under 16 years of age is considered to have his or her income reduced by 10/- a week for each child. In the case of a married couple it is the total income of husband and wife which is considered reduced by 10/- per week per child.

Effect of Employment

An invalid pensioner or an age pensioner receiving additional payments for wife and/or children should check with the Social Services Department before accepting any employment. Even when rate of payment is less than £1/10/- per week, employment may result in cancellation of invalid pension and/or additional payments for wife and children.

The wife of an invalid pensioner may accept employment and still receive wife's allowance provided that she continues to live with her husband. However, the means test still applies in assessing the rates of pension and wife's allowance.

00103

Casual Employment

Age pensioners accepting casual employment should check with the Social Services Dept. regarding their rights to continue receiving pension whilst in employment.

Effect of Property

● **A pensioner may have property to the value of £200 and receive a full pension of £208 a year (£4 a week), subject to any deduction on account of income.**

● The annual rate of pension is reduced by £1 for every complete £10 of net value of such property above £200 up to £1,750.

● Thus if a pensioner has property (apart from his home, etc.) valued at, say, £350, he loses £15 of the annual pension. His pension is then £193 a year (£3/14/- a week).

● A pensioner with property (apart from his home, etc.) worth £650 would lose £1 of pension for every £10 above £200. Thus he would have £45 deducted from the annual pension and would receive a pension of £163 a year (£3/2/6 a week).

● **A person who has property (apart from his home, etc.) worth more than £1,750 is not entitled to receive any pension.**

Husband and Wife

A pensioner couple could have £419 between them and each could receive the full pension. They would each lose only £1 of pension for every £20 of the value of their joint property (apart from a home, etc.) above £400.

If their joint property (apart from their home, etc.) is worth more than £3,000, neither is entitled to receive any pension.

Medical Benefits

All pensioners and their dependents are entitled to free general practitioner attention and medicines provided that their income from all sources including income from property does not exceed:—

£104 per annum for a single pensioner.

£208 per annum for a married couple both pensioners.

£260 per annum for a married couple where only one is a pensioner.

Summary

● An unmarried pensioner (including a widower, widow or divorcee) may own his own home and furniture, have other property valued at up to £209 and income up to £3/10/- a week and receive the full pension of £4 a week.

● A married couple, where only one is eligible for a pension, may own their own home and furniture, have between them other property valued at up to £419 and income up to £7 a week, and receive one full pension of £4 a week.

● A pensioner couple may own their own home and furniture, have between them other property valued at up to £419 and income up to £7 a week, and each receive the full pension of £4 a week.

An invalid pensioner and his wife may have their own home, furniture, etc., other property valued at up to £419 and income of £7 a week plus 10/- a week for each child, and still receive pension of £4 a week, plus wife's allowance of £1/15/- a week plus child's allowance of 11/6 a week for the youngest child and additional pension of 10/- a week for all other children.

00104

FIRST AID ON ELECTRIC SHOCK

THIS is an emergency which calls for prompt and intelligent action—prompt action if the patient's life is to be saved, intelligent action where the patient is still in contact with a live conductor, if two casualties instead of one are to be avoided.

If a patient is still in contact with a live conductor, before attempting to free him switch off the current if possible. If the switch cannot be found quickly the patient should be freed from contact without delay, the procedure varying as follows:

● Take precautions against receiving an electric shock yourself in handling the patient by the use of some dry insulating material such as a pair of rubber gloves, a cap, a coat or other dry material. Avoid direct contact with the patient's skin or any part of his clothing which may be damp, e.g., under the armpits. A dry crooked wooden stick may be useful, but an umbrella is not suitable owing to the metal ribs and in some cases the metal "stick" of the umbrella. A length of dry rope is another alternative. If possible, it is also a good precaution to stand on dry insulating material such as a rubber mat, linoleum, thick carpet or mat. Where the supply to the live conductor involved is through a flexible cable the current may be cut off by removing the plug or even breaking the cable by pulling on it. Do not attempt to cut the cable with a knife or scissors.

TREATMENT

● In cases of electric shock the patient is usually unconscious and the act of breathing is wholly or partially suspended. In addition electric shock, particularly at the higher voltages, is often accompanied by burns which may be very severe.

● Unless the patient is breathing normally immediately commence artificial respiration.

SEND FOR A DOCTOR OR THE AMBULANCE.

Treat any burns after breathing is restored, by covering them with a clean dry dressing.

Keep the patient warm.

NOTE:—In electric shock, artificial respiration must be continued perseveringly until natural breathing is restored, unless a Doctor decides that further efforts will be of no avail.

00105

MEMBERS HAVE VOTING RIGHTS IN LABOR PARTY PLEBISCITES

FOR some time now our Union has been affiliated to the Australian Labor Party (State of Queensland) and we have three delegates on the Queensland Central Executive of the Australian Labor Party.

Our affiliation to the Labor Party means among other things that financial members of our Union are eligible to vote in all plebiscites conducted by the Labor Party to select candidates for elections and the Labor-in-Politics Convention. Such Conventions are held every three years, the last being at Mackay in 1956, but they may also be specially called at any time.

● A person entitled to vote in a Labor Party plebiscite whether for elections or convention purposes must be a financial member of not less than six months standing in an affiliated Union prior to the date of closing of nominations for selection.

Such a person must also be enrolled on the roll for the electorate for which the plebiscite is being taken.

When a person claims a vote at a plebiscite he must furnish to the Presiding Officer in charge of the plebiscite evidence of financial membership in his Union. A Union badge is not evidence of financial membership, the only evidence being a current membership ticket in the particular Union.

● Since B.W.I.U. dues are payable in advance it is necessary for you to take along when voting in the plebiscite not only the current O.K. card and receipt but also the previous O.K. card and receipt.

● **MAKE SURE THAT THE OFFICIAL RECEIPTS SHOWING THE MONEY THAT YOU HAVE PAID ARE ATTACHED TO YOUR O.K. CARDS.**

● **REMEMBER ALWAYS THAT YOU CAN VOTE ONLY IF YOU ARE FINANCIAL.**

LONG SERVICE LEAVE PROGRAM

BELOW is a program around which all building workers should unite and struggle in order to improve their long service leave rights. For this program clearly outlines what building trade workers need and want.

● Long Service Leave should be paid to all building trade workers irrespective of the number of employers they may have. At present long service leave payments are based on service with a particular employer and not with the building industry.

● Long Service Leave should, as under the Commonwealth Employees Furlough Act, commence after 8 years employment and three (3) months long service leave should be granted for between 8 and 12 years service.

● For service of not less than 12 years and not more than 15 years, 4 months long service leave should be granted as provided for under the Commonwealth Employees Furlough Act.

● For 15 years service and beyond, 4½ months long service leave should be granted, with an additional 9 days per year added for each year of service in excess of 15 years, again as provided for under the Commonwealth Employees Furlough Act.

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Building Trades Award

STATE

APPLICATION OF AWARD

1. This award shall apply to all employers of carpenters and/or joiners, machinists (except in sawmills and furniture-making factories), bricklayers, plasterers, tilers, painters, and/or decorators, headlight workers, plumbers, gasfitters, and/or galvanised iron workers, sprinkler fitters, licensed drainers, and builders' labourers, and to all employees engaged in those trades in the State of Queensland.

This award shall not apply to employees of Mount Morgan Limited employed at Mount Morgan, nor to work such as is usually carried out by Local Authorities and is provided for under the Local Authorities award, or the Brisbane City Council award (Roadmaking, &c., employees), nor to work which is provided for under awards relating to gasmaking, or under the award relating to labourers employed by the Water Supply and Sewerage Department of the Brisbane City Council.

This award shall not apply to employees on station property who in the ordinary course of their duties as station hands use tradesmen's tools.

DIVISIONS AND DISTRICTS

2. For the purpose of this award, the Divisions and Districts shall be as follows:—

DIVISIONS

Northern Division.—That portion of the State along or north of a line commencing at the junction of the sea-coast with the 21st parallel of south latitude; thence by that parallel of latitude due west to 147 degrees of east longitude; thence by that parallel of longitude due south to 22 degrees 30 minutes of south latitude; thence by that parallel of latitude due west to the western border of the State.

Mackay Division.—That portion of the State within the following boundaries:—Commencing at the junction of the sea-coast with the 21st parallel of south latitude; thence by that parallel of latitude due west to 147 degrees of east longitude; thence by that parallel of longitude due south to 22 degrees of south latitude; thence by that parallel of latitude due east to the sea-coast; thence by the sea-coast northerly to the point of commencement.

Southern Division.—That portion of the State not included in the Northern or Mackay Divisions.

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DISTRICTS

Northern Division—

Eastern District.—That portion of the Northern Division along or east of 144 degrees 30 minutes of east longitude.

Western District.—The remainder of the Northern Division.

Southern Division—

Eastern District.—That portion of the Southern Division along or east of a line commencing at the junction of the southern border of the State with 150 degrees of east longitude; thence by that parallel of longitude due north to 25 degrees of south latitude; thence by that parallel of latitude due west to 147 degrees of east longitude; thence by that parallel of longitude due north to the southern boundary of the Mackay Division.

Western District.—The remainder of the Southern Division.

DEFINITIONS

3. For the purpose of this award the following terms shall have the meanings set opposite thereto:—

(1) The terms "carpenter," "joiner," and "machinist" shall mean any employee over twenty-one years of age or who has completed his full term of apprenticeship using tools, or any machine or saw driven by power in the carpentry or joinery trade.

**(2) A "painter" shall mean any employee over twenty-one years of age or who has completed his full term of apprenticeship engaged in any manner whatsoever in connection with the painting of dwelling houses or other buildings of any nature, fences, bridges (whether constructed of iron or wood, or partly of iron and partly of wood), tanks for storage of oil, water or any similar purpose (other than work performed on tanks in engineering shops), traffic lines (except for work done by the Commissioner of Main Roads), or in connection with paperhanging, decorating, graining, marbling, gilding, signwriting, silk screen process signwriting, glazing, glass-cutting (except when done by shop salesmen, picture framers, or furniture makers or in any factory or shop where the employer is exclusively or mainly engaged in the manufacture of joinery for sale), kalsomining, distempering, colour-washing, lime-washing, staining, varnishing, stripping off old paper, removing old paint or varnish; and to all employees engaged in any of the aforesaid branches of the trade upon any inside part or parts of any ship or vessel in connection therewith, including (without limiting the ordinary meaning of the definition) the inside of all cabins, saloons, companions, smokerooms, lounges, social halls, skylights, pantries, bathrooms, lavatories, scullieries, butchering shops, bakehouses, engine-rooms from sky-light down to first grating, and all new and repaired work in same, and the preparing and getting up, painting, and finishing all deckheads, deckhouses and combings of same,

lifebuoys, lifebelts, boxes, deck seats, deck buckets, &c., navigating and flying bridges, wheelhouse, chart room, and all parts of any vessel which may be grained and/or varnished, ventilators, tidley casings, accommodation ladders, side screens, and lockers; and to all employees engaged in any one or more of the said branches in connection with boat names and badges, scroll work, gilding, and signwriting upon any part of a ship or other vessel, or any property belonging to or used in connection therewith and the painting of boats; and to all employees engaged in painting or performing any one or more of the said branches of work upon or in connection with all ferry and passenger boats, yachts, auxiliaries, skiffs, or other small craft; and the preparing and the getting ready of all work connected with any of the abovenamed branches of the trade, and the preparation of all materials required for any of the said branches of the trade.

The term "painter" does not include employees in meatworks paid under the Meat Export Award or Brisbane Abattoir Award who do whitewashing or limewashing or painting iron fittings or supports:

The term "iron fittings or supports" means—

(a) All iron fittings and/or supports of fittings also all equipment or contrivances used in the production and/or processing of meat and by-products of the Meat Industry;

(b) Iron supports of buildings on the slaughter floor and other similar places on the interior of the buildings which are corroded or similarly affected by processes involved in the production and/or processing of meat and by-products of the meat industry not exceeding a height of ten feet from the floor.

Provided further that it shall not be considered painters' work where, for the purpose of preservation of health or cleanliness, it is necessary for ordinary employees in iceworks, retail meat shops, hotels, or cold storage works to whitewash or limewash such buildings as latrines, meat storage rooms, or cold storage rooms. Such limewashing or whitewashing as is usually done in sugar-mills by ordinary sugar-mill workers shall not be considered painters' work.

Without limiting the ordinary meaning of the terms—

"Signwriting" shall include lettering of every description, size or shape, applied by brush or any other like means, on any surface or material (which, without limiting its meaning, shall include stone, wood, iron, metal, brick, cement, plain or fancy glass, canvas, paper, calico, sheeting, bunting, silk, satin, and wire blinds); designing and laying-out for windows, posters, show windows, theatre displays, honour rolls, illuminated addresses, Neon signs, stencils, display banners, and cut-out displays of all descriptions, either pictorial, scenic or lettering (where such designing is not done by an architect or architectural draftsman); all pictorial

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work in connection with any signs or advertisements generally performed by a signwriter. The term does not include work done by a commercial artist or 'ticket-writing' as done by shop assistants under any Shop Assistants' Award.

"Gilding" shall mean the application of gold, silver, aluminium, or any metal leaf to any surface.

"Silk Screen Process Signwriting work" shall include the designing, setting up, and the operation for duplication of signs on any material whether of paper, fabric, metal, wood, glass, or any similar material.

(3) **"Sand blaster"** shall mean an employee engaged in any manner whatsoever in connection with the designing and layouts for patterns on glass, together with all work connected with sandblasting or grarure operations on glass.

(4) A **"glazier in a joinery shop or factory"** shall mean an employee over 21 years of age employed in any factory or shop where the employer is exclusively or mainly engaged in the manufacture of joinery for sale, whose duties shall consist of cutting the glass and placing it in position, sprigging it in, running in the putty, and facing it off to the completion of the work.

(5) A "bricklayer" shall mean an employee over twenty-one years of age who has completed his full term of apprenticeship who is engaged in bricklaying, brick cutting, tiling, and setting pointed brickwork, firework—including kilns, furnaces, or furnace work of any description as far as it relates to brickwork, setting coke slabs, coke bricks, glass bricks, cutting openings in brickwork for doorways, windows, arches, &c., building in and fixing of steel frames in brick buildings for doorways, windows, arches, &c., and/or engaged in roof tiling, fibrolite slating or shingling, which is not covered by any other award.

(6) **"Plumber"** shall mean an employee over twenty-one years of age or who has completed his full term of apprenticeship competent in gasfitting, gas service work (except where covered by the Gas Making Award), all branches of lead work, including sanitary work, hot and cold water appliances and services or who works or fixes galvanised iron or zinc or other metal used for similar purposes, in connection with buildings, who makes baths, tanks, and all other articles made of galvanised iron or zinc or other metal used for similar purposes in or in connection with a plumber's shop, or usually fixed in a building in the course of erection, alteration, or repair, who is engaged in the installation and/or repair of soda and cordial fountains and accessories thereto, and/or the fixing of cement and/or fibro cement guttering and/or down pipes and/or articles made of any other material which supersedes the material usually fixed by plumbers in connection with buildings and not covered by any other award, or who is engaged in any of such beforementioned classes of work.

A **"plumber's shop"** shall mean a shop or factory in which any articles of the nature set out above are manufactured and intended to be used as fixtures in the erection, alteration, or repair of any building.

Provided that this definition shall not apply to the manufacture of any article made of sheet metal mentioned in the award relating to sheet metal workers for the time being in force where such is not made in a plumber's shop or on a building in the course of erection, alteration, or repair.

A **"leading hand plumber"** shall mean a qualified plumber who has one or more employees under his control. Where the employer is not a licensed plumber, the plumber in charge of the work shall be deemed to be a leading-hand plumber.

(7) **"Plasterer"** shall mean any employee over twenty-one years of age who has completed his full term of apprenticeship and who is engaged in plastering work, or who is employed at all classes of work referred to in this definition, or in any manner whatsoever in connection with the plastering trade in sewerage work, except in air-locks, such as rendering or cementing of all man-holes, pits, sumps, tanks, filter-beds, &c., also rendering of all work in house connection, work relating to the plastering trade, such as traps, grease and wash traps, basins, &c.; also the jointing of all pipes composed of concrete or cement composition as used in sewer work (except where such work is done by a licensed drainer), dressing, and patching up all defects of concrete work which is not of concrete finish, washtubs, and garage floors.

A **"plasterer's work"** shall mean work which consists of internal and external plastering and cementing, the casting and fixing of all fibrous and other plastering material, lathing for plaster work, the top dressing of all concrete floors, all cement composition work and wall tiling, and plastering in or in connection with sewers, septic tanks, water tanks, and cooling chambers.

(8) **"Fibrous plasterer"** shall mean any employee over twenty-one years of age who has completed his full term of apprenticeship and who is engaged in fibrous plaster work or who is employed at all or any of the following classes of work:—

(a) The casting and/or fixing of all fibrous plaster and other plastering material, including battening for same; the stopping and setting of all joints in same; the making of all plaster piece moulds, jelly moulds, wax moulds, or moulds of any description used for the purpose of making and/or casting fibrous plaster or pressed cement work.

(b) The casting and/or fixing of scagliola and material of a like nature, and work in connection with architectural modelling and/or manufacturing architectural ornaments of fibrous plaster and/or cement; also the manufacture of acoustic tiles moulded into slab form and having an earth base.

(9) **"Floor specialist"** shall mean any employee over twenty-one years of age who has completed his full term of apprenticeship as a floor layer, or who is engaged in the following classes of work:—The laying of floors with granolithic, magnesite, marble mosaic, and composition floors of all descriptions.

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(10) **"Tiler"** shall mean an employee who is engaged in the fixing of floor and wall tiles, fireplaces, hearths and surroundings to same, ceramic mosaic on floors and walls, marble mosaic on floors and walls, and cut mosaic work, santanax work, terazzo steps, risers, stringers, and floors when cut in slabs to form a design, linotole flooring and kindred materials where skilled workmen are required to perform the work.

(11) **"Builder's labourer"** shall mean any labourer assisting any bricklayer, mason, plasterer, carpenter, plumber, slater, and tiler, or any labourer assisting any tradesman on building or sewer construction, or engaged in the repair, demolition, or removal of buildings, or as scaffolder, gear hand, gantry hand, crane hand or as dogman, and any labourer excavating ground for foundations or basements of buildings, or levelling ground for a building site, or doing concrete or asphalt work or mortar mixing in connection with building construction, or the cutting of holes in concrete floors, walls, and ceilings.

A **"gear hand"** shall mean an employee who is actually engaged in the rigging of gear ropes and tackle, or cranes, winches, derricks, and the repairing or splicing of slings or necessary gear in connection with buildings.

"Steelbender" shall mean a builder's labourer engaged in setting out and bending reinforcing steel rods from drawings and sketches supplied.

(12) A **"licensed drainer"** shall mean a person licensed as a drainer by the Water Supply and Sewerage Department of the Brisbane City Council or Local Authority.

He shall, as part of his duties, when required, do work in connection with the placing and packing and concrete used in pipe sewers and drains, and also the work of filling and packing drives in tunnel work.

(13) A **"sprinkler fitter"** shall mean an employee over twenty-one years of age engaged exclusively in installing or assembling automatic sprinklers.

(14) **"Leadlight worker"** shall mean an employee who is engaged in any work in connection with the manufacture of leadlights.

(15) A **"junior"** shall mean an employee other than an apprentice or an apprentice on probation under twenty-one years of age engaged in any calling to which this award applies, who does not receive the rate of wages prescribed by it for a journeyman or adult.

All employees under twenty-one years of age employed as builders' labourers shall be paid the rate prescribed for adults.

(16) **"Casual employee"** shall mean an employee who is employed for less than a week.

(17) **"Country work"** shall mean any work which renders it reasonably necessary for an employee to sleep at another place than his usual place of residence; provided that if the work is more than twenty miles from the shop (or the employer's place of business) and the employee's residence, it shall be always treated as country work.

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(18) **"Ordinary rates"** shall, unless the context otherwise indicates, mean the ordinary weekly rate prescribed in this award divided by the weekly working hours prescribed by this award.

(19) A **"licensed scaffolder"** shall mean a person in charge of erecting or demolishing scaffolding, being the holder of a license under the Queensland Inspection of Scaffolding Acts, 1915 to 1930.

(20) **"Building Construction."**—"Building construction" means the construction of new buildings, the construction of additions to existing buildings, and the necessary alterations of existing buildings to make them conform to any new additions and the demolition of buildings.

HOURS

4. (1) **Ordinary working hours.**—The ordinary working hours for employees in these trades shall not exceed 40 in any one week, and shall, except as hereinafter provided, be worked between the hours of 8 a.m. and 5 p.m. on Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays:

HOURS — NORTHERN DIVISION

Provided that in the Northern Division the work may be performed between the hours of 7.30 a.m. and 4.30 p.m. where the employer and the union concerned so agree, but in such cases the nearest Industrial Inspector shall be notified of the times agreed to before such times are actually worked:

Provided that during the months of June and July the employees of James Campbell & Sons Pty. Ltd. shall commence work at 8 a.m. and finish work at 4.35 p.m. from Mondays to Fridays inclusive, with an interval of thirty-five minutes for lunch, commencing at 12 noon and ending at 12.35 p.m.:

JOINERY HOURS — MAY TO AUGUST

Provided further during the months of May to August inclusive the employees of Brett and Co. Pty. Ltd., Brooks' Joinery Works, Brown and Broad Ltd., City Joinery Works, L. W. Crain and Co., Arthur Foote Pty. Ltd., G. F. Foote, Hancock and Gore Ltd., Hancock Bros. Pty. Ltd., Joinery (late Laheys) Pty. Ltd., C. A. Kruger and Sons Pty. Ltd., Marsdens Pattersons Pty. Ltd., Queensland Joinery Co., G. Reed, Shearer and Brown Pty. Ltd., Storie and Co., Town and Country Joinery Works Pty. Ltd., L. Unsworth, J. L. Weeks, A. and J. Wilson Pty. Ltd., J. H. Wayper, W. C. Allerenshaw, and B. W. Mewes, may commence work at 8 a.m. and finish work at 4.45 p.m., Mondays to Fridays inclusive, with an interval of 45 minutes for lunch, commencing at 12 noon and ending at 12.45 p.m.:

Provided that the ordinary working hours of plumbers attached to the Newstead Depot, Water Supply and Sewerage Department, Brisbane City Council, may be worked between 7.45 a.m. and 4.45 p.m.

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MEAL TIMES

(2) **Meal times.**—**Except as otherwise provided herein one hour shall be allowed for a meal on all days between the hours of noon and 1 p.m. in the Southern and Mackay Divisions, and in the Northern Division between the hours of noon and 1 p.m. or between 1 p.m. and 2 p.m.**

Employees of the Water Supply and Sewerage Department of the Brisbane City Council engaged in connection with sewers may, if so mutually arranged between the Department and the union, have one half-hour for lunch and cease work one half-hour earlier on Mondays to Fridays inclusive, than the time above prescribed.

(3) **Sewer work.**—The ordinary starting time and the method of computing the working hours from bank to bank of employees of the Brisbane City Council working underground on the construction of sewers shall be the same as those prescribed for miners by the Brisbane City Council (Water Supply and Sewerage Department) Labourers' Award for the time being in force.

ALTERATION OF HOURS

(4) **Alteration of hours to suit train or tram.**—Employees when working at a distance of more than three miles from the local post office or centre shall be allowed to work the eight hours to suit the running of the train or tram service.

(5) **Rockhampton Harbour Board and City Council and Cairns City Council.**—The commencing and ceasing times prescribed in this clause shall not apply to employees of the Rockhampton Harbour Board or the Rockhampton City Council, or the Cairns City Council, who may enter into a mutual agreement with the said Board and Councils respectively to work the week between Monday and Friday inclusive; such mutual arrangement to be approved by the majority of the employees affected thereby.

(6) **Sprinkler fitters.**—Employees engaged exclusively in erecting and assembling automatic fire sprinkler systems may work 8 hours at ordinary rates at any time between daylight and dark: Provided that overtime rates, as hereinafter set out, shall be paid for all time worked over and above the said 8 hours in any one day.

(7) **Sugar mills.**—In sugar mills where employees are directly employed by the owner of the sugar mill, the starting and ceasing times and the meal hour shall be as mutually arranged between the employer and the employee to suit the working of the sugar mill.

STARTING TIME CHANGES

(8) **Alteration of starting and ceasing times.**—Any employer may agree with the union or unions concerned to vary the starting, ceasing, or lunch times abovementioned on any job or at any place of business. Such variation shall be sent to the nearest Inspector of Factories and Shops:

Provided that, in the case of Hancock and Gore Limited, the agreement may be made with the employees concerned, but no alteration shall be made without the consent of the majority of such employees.

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(9) **Shift work.**—An employer desirous of working shift work on any particular job, or jobs may enter into an industrial agreement with the union or unions concerned, or failing agreement, may apply to the Court.

(10) **Concrete silo construction, &c.**—Employees engaged in the work of concrete silo construction, and concrete construction by Mount Isa Mines Limited, will have no fixed starting and ceasing times as set out above, but the hours of work shall be 40 per week, to be worked in shifts of eight hours each between the hours of 8 a.m. and 5 p.m. and 8 p.m. and 5 a.m.

OVERTIME

5. (1) All time worked in excess of the ordinary working hours on any day shall be deemed overtime.

4 HOURS TIME AND A HALF — THEN DOUBLE

(2) All overtime in any one day, except as hereinafter provided, shall be paid for at one and a-half times the ordinary rate for the first four hours, after which double time shall be paid until the ordinary starting time, or time of ceasing work next morning.

If an employee starts work within two hours of the usual starting time, he shall be paid at the rate of time and a-half for such time preceding the usual starting time, but thereafter at ordinary rates.

12 HOURS MAXIMUM

(3) No employee shall be required to work more than twelve hours' overtime in any one week, urgent shop repairs and breakdown jobs excepted. For such urgent shop repairs or breakdown jobs, where an excess of twelve hours' overtime in any one week is worked, overtime at double the ordinary rate shall be paid for such excess.

RECALL WORK

(4) Any employee recalled to work after the usual ceasing time for less than one hour shall receive payment for one hour at overtime rate.

SUNDAY PAY

(5) All work other than shift work done by employees on Sunday shall be paid for at double their ordinary rate of payment.

HALF-HOUR MINIMUM

(6) When any portion of an hour's overtime is worked, the employee shall receive payment in respect of any broken part of an hour for not less than one half-hour at current overtime rates.

DOUBLE TIME — MEAL PERIOD

(7) When any portion of a meal hour is worked, such portion shall be paid for at double rates. If more than half the meal hour is worked, the employee shall continue to receive double rates until his employer gives him one hour for his meal.

CRIB TIME

(8) Any employee who is required to continue working for more than one hour after the ordinary ceasing time shall be allowed thirty minutes for crib after the first hour worked, also forty-five minutes after each further four hours worked for which no deduction in pay shall be made.

(9) When an employee shall have worked continuously (except meal hours) for twenty hours, he shall have a break of at least twelve hours before again starting work.

SYSTEMATIC OVERTIME

(10) Systematic overtime shall not be worked; it shall be considered such when the maximum overtime prescribed in subclause (3) has been worked for three consecutive weeks: Provided that this subclause shall not apply when extra labour is not available.

MEAL ALLOWANCE

(11) If called upon to work overtime for over two hours without receiving notice of such overtime on the previous day, the employee shall be paid an allowance of 5s. for a meal, or shall be supplied by the employer with a reasonable meal in lieu of such payment.

OVERTIME — SHIFT WORK

(12) For overtime worked in any calling in or in connection with which more than one shift per day is worked, employees shall be paid not less than double their ordinary rates of wages.

MINIMUM 2 HOURS

(13) Where an employee, after having been notified to do so, reports for overtime work and is unable to work through wet weather, he shall receive payment for two hours at the ordinary rate of wages.

This subclause shall apply to Saturdays, Sundays, and statutory holidays.

(14) Notwithstanding anything contained in the foregoing provisions of this clause, the Brisbane City Council shall be permitted to employ painters painting traffic lines in the City of Brisbane outside the ordinary working hours prescribed by the said award at the rate of time and a-quarter.

PUBLIC HOLIDAYS

6. All work done by any employees on Good Friday, Christmas Day, the twenty-fifth day of April (Anzac Day), the first day of January, the twenty-sixth day of January, Easter Saturday (the day after Good Friday), Easter Monday, the Birthday of the Sovereign, and Boxing Day, or any day appointed under "The Holidays Acts, 1912 to 1935," to be kept in place of any such holiday, shall be paid for at the rate of double time.

LABOUR DAY

All employees covered by this award shall be entitled to be paid a full day's wage for Labour Day (the first Monday in May or other day appointed under "The Holidays Acts, 1912 to 1935," to be kept in place of that holiday), irrespective of the fact that no work may be performed on such day, and if any employee concerned actually works on Labour Day, such employee shall be paid

a full day's wage for that day and in addition a payment for the time actually worked by him at the ordinary rates prescribed for such work with a minimum of four hours.

SHOW DAY

All work done by employees in a district specified from time to time by the Minister by notification published in the Gazette on the day appointed under 'The Holidays Acts, 1912 to 1935," to be kept as a holiday in relation to the annual agricultural, horticultural and/or industrial show held at the principal city or town, as specified in such notification, of such district shall be paid for at the rate of double time.

DOUBLE TIME

For the purposes of this provision, where the rate of wages is a weekly rate, "double time" shall mean one day's wages in addition to the prescribed weekly rate, or pro rata if there is more or less than a day;

STAND DOWN

Provided that when an employee is not worked on any ordinary working day between Christmas Day and New Year's Day, the employer may deduct from the weekly wage a proportionate amount for the day or days not worked.

MEATWORKS

For employees engaged at meatworks the holidays shall be as prescribed in the award for the meat export industry for the time being in force.

XMAS HOLIDAYS PAID

Any and every employee who, having been dismissed or stood down by his employer during the month of December in any year, shall be re-employed by that employer at any time before the end of the month of January in the next succeeding year shall, if that employee shall have been employed by that employer for a continuous period of two weeks or longer immediately prior to being so dismissed or stood down, be entitled to be paid and shall be paid by his employer (at the ordinary rate payable to that employee when so dismissed or stood down) for any one or more of the following holidays, namely, Christmas Day, Boxing Day, and the first day of January occurring during the period on and from the date of his dismissal or standing down to and including the date of his re-employment as aforesaid.

Where an employee works up to the commencement of a close-down of work at the Easter period and resumes work or is re-engaged on the first working day of the resumption of work, he

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shall be entitled to be paid for any statutory holidays which occur during such close-down. This provision shall not apply to employees who have been employed for a lesser period than one month.

ANNUAL LEAVE

7. All employees shall be entitled to two weeks' holiday on full pay for each completed period of twelve months continuous service, including the period of annual leave: Provided that where the employee's service is less than twelve months he shall be paid a monetary pro rata equivalent for the time served.

Such annual leave shall be granted at such time as is convenient to the employer not later than three months after it becomes due.

STATUTORY HOLIDAYS EXTRA

Should any statutory holiday other than Labour Day occur during the period of annual leave, an additional day's leave with pay shall be granted for every statutory holiday so occurring. Should Labour Day occur during the period of annual leave, an additional day's leave on full pay shall be granted for such holiday.

LEAVE TO BE TAKEN

Except in the case of termination of service, it shall not be lawful for the employer to give or for any employee to receive payment in lieu of annual leave.

Annual leave shall be in addition to any notice of termination of service.

EMPLOYEES IN SUGAR MILLS

Employees in sugar mills shall be subject to the provisions of the annual leave clause in the Sugar Industry Award—State—for the time being in force.

SICK LEAVE

8. In lieu of sick leave each adult employee shall be paid 6/3 per week.

LONG SERVICE LEAVE

9. All employees covered by this award shall be entitled to long service leave on full pay under, subject to, and in accordance with, the provisions of Section 10B of "The Industrial Conciliation and Arbitration Acts, 1932 to 1953."

(This provides for 13 weeks long service leave on full pay after 20 years continuous service with pro rata rights commencing after 10 years service.)

EXEMPTIONS

This clause shall not apply to employers whose names are set out in the Schedule hereto.

WAGES

ALL WAGE RATES AS WHEN THIS BOOK PUBLISHED. WATCH FOR VARIATIONS.

10. (1) (a) The minimum rate of wages payable to the following classes of employees shall be—

	Southern Division Eastern District.	Mackay Division	Northern Division Eastern District.
	Per week	Per week	Per week
	£ s. d.	£ s. d.	£ s. d.
Carpenters, joiners, machinists, bricklayers, plasterers (including fibrous plasterers), floor specialists, tilers, plumbers, licensed drainers, leadlight workers, painters, glaziers and sand blasters	16 5 9	16 12 3	16 16 9
Builders' labourers	14 5 3	14 11 9	14 16 3

Provided that in any factory where the employer is exclusively or mainly engaged in the manufacture of joinery for sale, the employees, while exclusively engaged at or in such factory in the manufacture of joinery for sale, may be paid as follows:—

WAGES — JOINERY

	Southern Division Eastern District.	Mackay Division	Northern Division Eastern District.
	Per week	Per week	Per week
	£ s. d.	£ s. d.	£ s. d.
Joiners, machinists, and glaziers	15 19 0	16 5 6	16 10 0
Labourer	12 19 0	13 5 6	13 10 0

EMPLOYEES OF ELECTRIC AUTHORITIES

In addition to the wages prescribed by this clause employees of Electric Authorities shall be paid the following amounts:—

1. Tradesmen and Journeymen £1 per week.

2. All other employees 10s. per week.

In addition to these extra wages tradesmen and journeymen employed by Electric Authorities at powerhouses shall be paid an allowance of £1 2s. 6d. per week of which amount 15s. per week shall be treated as part of the total wage and shall be taken into consideration for the purpose of computing overtime, &c.

All other employees employed by Electric Authorities at powerhouses shall be paid an allowance of 15s. per week. This amount shall be treated as part of the total wage and shall be taken into consideration for the purpose of computing overtime, &c.

The wages for all employees shall be deemed to include any penalty rate prescribed by this award for dirty work, wet work, &c.

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All other employees of Electric Authorities not employed at powerhouses shall be paid an allowance of 7s. 6d. per week. This allowance shall not be taken into consideration in the computation of overtime, &c.

WET PAY

(b) The employer shall be allowed to deduct from the weekly wages of any employee all time lost through wet weather in excess of eight hours in any one week.

WAGES — SUGAR MILLS

(c) **Employees in Sugar Mills.**—Employees under this award employed in Sugar Mills shall be paid as follows:—

	Southern Division Per week £ s. d.	Mackay Division Per week £ s. d.	Northern Division Per week £ s. d.
Carpenters and other building tradesmen	16 7 9	16 14 3	16 18 9

DISABILITIES ALLOWANCE

(d) Employees other than those working on what is termed "on site work," i.e., building construction work, are not entitled to the disabilities allowance of 5s. 6d. per week included in the rates of tradesmen and builders' labourers.

WESTERN ALLOWANCE

(2) **Western allowance.**—Employees in the Western Districts other than juniors shall be paid 7s. 4d. per week in addition to the rates above set out.

CASUAL EMPLOYEES

(3) **Casual employees.**—Casual employees shall be paid 12½ per cent in addition to the ordinary rates.

DUST OR COLD

(4) **Insulation work.**—When working in a dust-laden atmosphere caused by the use of materials for insulating, deafening, or pugging work, when, for instance, pumice, charcoal, or any other substitute, including cork and sawdust, is used, or when working on insulating work in an average temperature of 45 degrees Fahr. or under, employees shall be paid not less than 3s. per day in addition to the rates above prescribed;

SILICATE INSULATION

Provided that employees using silicate of cotton in insulation work shall be paid not less than 5s. per day in addition to the rates above prescribed.

INSULATION — BITUMEN

Provided further that employees engaged at fixing insulation materials with hot bitumen shall be provided with gloves and paid 3s. per day in addition to the rates prescribed above while so engaged.

Builders' labourers using hot bitumen shall be paid 2s. per day in addition to the rates above prescribed.

WET CLOTHING

(5) **Wet work.**—When employees are required to work in any place where water is continually dripping so that

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A B.W.I.U. SERVICE

UNEMPLOYMENT AND SICKNESS BENEFITS

AMOUNT OF BENEFIT

. Payment of benefit is subject to a means test which operates to reduce the benefit payable by the amount by which the claimant's weekly income exceeds the amount of permissible income. Benefit is not paid for the first week of unemployment. The weekly rates of benefits and income allowed are as follows:-

MAXIMUM WEEKLY BENEFIT PAYABLE IN RESPECT OF -	Conjugal Condition and Age of Claimant		
	Unmarried		Married any age
	18-20 years	21 years and over	
	s. d.	s. d.	s. d.
Claimant	47. 6	65. 0	65. 0
Dependent Spouse	- -	- -	47. 6
Child (payable for one child only)	10. 0	10. 0	10. 0
TOTAL	57. 6	75. 0	122. 6
PERMISSIBLE INCOME	20. 0	40. 0	40. 0

. THUS, THE MOST A MARRIED MAN CAN GET IS £6. 2. 6 PER WEEK.

WORKERS' COMPENSATION RATES
(as from January 30, 1961)

Base Rate (Single man or married man with wife working)	£11.11. 0
PLUS Dependent Wife	£2.10. 0
	£14. 1. 0
Plus 1 child	£14.16. 0
Plus 2 children	£15.11. 0
Plus 3 children	£16. 6. 0
Plus 4 children	£17. 1. 0

NOTE: The most which can be drawn by way of Compensation is an amount as calculated above or the Award rate, whichever is the LESSER.

TRAVELLING TIME CALCULATOR
(as from January 30, 1961)

TRAVELLING TIME is payable at the rate of:-

. Motor Vehicles - 2½ minutes to the mile
. Train, Motor or Trolley Bus - 3 minutes to the mile
. Tram or Bicycle - 6 minutes to the mile
. Walking - 20 minutes to the mile.

HOURLY RATE (9/9 to 10/-)
(Rounded off)

5 minutes	10d.		35 minutes	5.10	
10 "	1. 8		40 "	6. 8	
15 "	2. 6		45 "	7. 6	
20 "	3. 4		50 "	8. 4	
25 "	4. 2		55 "	9. 2	
30 "	5. 0		60 "	10. 0	

LONG SERVICE LEAVE CALCULATOR

. To find your entitlement, convert your years and months of service to hours by using Table 1 for the years and Table 2 for the months. e.g. 18 years 6 months service would mean 468 hours (Table 1) PLUS 13 hours (Table 2) - giving 481 hours in all. Now multiply your result by 10/- (Southern); 10/2 (Mackay); 10/3 (Northern) to get what is due. For example, 481 x 10/- gives £240/10/-. NOTE that Sick Leave Payment must be included in Long Service Leave.

TABLE 1

YEARS	HOURS
10	260
11	286
12	312
13	338
14	364
15	390
16	416
17	442
18	468
19	494
20	520

TABLE 2

MONTH	HOURS
11	23-5/6
10	21-4/6
9	19-3/6
8	17-1/3
7	15-1/6
6	13
5	10-5/6
4	8-4/6
3	6-1/2
2	4-1/3
1	2-1/6

REMEMBER .... If you have a union problem, the number to ring is - 2 5500; or write your Secretary: G. M. Dawson, Secretary, Building Workers' Industrial Union, 5th Floor, Trades Hall, BRISBANE.

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A B.W.I.U. SERVICE

Place in your Award Book.

BUILDING WORKERS' INDUSTRIAL UNION OF AUSTRALIA

(QUEENSLAND BRANCH)

USE THIS to check your Wage Rates

. All rates to nearest 1d.

BUILDING TRADES AWARD - STATE

NEW WAGE RATES - OPERATING FROM JANUARY 30, 1961

CARPENTERS

	Southern	Mackay	Northern
Weekly Rate	£19.11. 6	£20. 0. 6	£20. 2. 6
Tool Allowance & Insurance	8. 0	8. 0	8. 0
Sick Pay	7. 6	7. 6	7. 6
	£20. 7. 0	£20.16. 0	£20.18. 0
Daily Rate	£3.18. 1	£4. 0. 1	£4. 0. 6
Hourly Rate	9. 9	10. 0	10. 1
Casual Rate	11. 0	11. 3	11. 4
Time and Half Rate	14. 8	15. 0	15. 1
Double Time	19. 6	£1. 0. 0	£1. 0. 2
Pro Rata Annual Leave	16. 0	16. 4	16. 5
Western District Allowance	£20.17. 6	- - -	£22. 0. 0

JOINERS IN JOINERY FACTORIES

	Southern	Mackay	Northern
Weekly Rate	£19. 1. 0	£19.10. 0	£19.12. 0
Tool Allowance & Insurance	5. 6	5. 6	5. 6
Sick Pay	7. 6	7. 6	7. 6
	£19.14. 0	£20. 3. 0	£20. 5. 0
Daily Rate	£3.16. 2	£3.18. 0	£3.18. 5
Hourly Rate	9. 6	9. 8	9.10
Casual Rate	10. 8	10.11	11. 1
Time and Half Rate	14. 3	14. 6	14. 9
Double Time	19. 0	19. 4	19. 8
Pro Rata Annual Leave	15. 6	15.11	16. 0
Western District Allowance	£20. 4. 6	- - -	£21. 7. 0

A P P R E N T I C E S.

CARPENTERS

APPRENTICESHIP YEAR	Southern	Mackay	Northern
1st year - 30%	£5.17. 5	£6. 0. 0	£6. 0. 9
2nd year - 37%	£7. 4.10	£7. 8. 2	£7. 8.11
3rd year - 47%	£9. 4. 0	£9. 8. 3	£9. 9. 2
4th year - 67%	£13. 2. 4	£13. 8. 4	£13. 9. 8
5th year - 83%	£16. 4.11	£16.12. 5	£16.14. 1

JOINERS IN JOINERY FACTORIES

	Southern	Mackay	Northern
1st year - 30%	£5.14. 4	£5.17. 0	£5.17. 8
2nd year - 37%	£7. 1. 0	£7. 4. 4	£7. 5. 0
3rd year - 47%	£8.19. 1	£9. 3. 3	£9. 4. 3
4th year - 67%	£12.15. 3	£13. 1. 4	£13. 2. 8
5th year - 83%	£15.16. 3	£16. 3. 8	£16. 5. 4

TOOL ALLOWANCE

CARPENTER APPRENTICES

£13. 2. 6 for each of 1st, 2nd and 3rd year; then 8/- (including 6d. tool insurance) per week.

JOINER APPRENTICES

£8.15. 0 for each of 1st, 2nd and 3rd year: then 5/- (including 6d. tool insurance) per week.

BE WISE - INSURE YOUR TOOLS.

SICK LEAVE APPRENTICES: 2 weeks per year - accumulative - if have credits can take up to 7 weeks in any one year.

COUNTRY ALLOWANCE: £7.11.0 Southern; £7.13. 0 Mackay; £7.15. 0 Northern.

00124

BUILDING WORKERS' INDUSTRIAL UNION OF AUSTRALIA : PLEASE TURN OVER

QUEENSLAND BRANCH)

BUILDING TRADES AWARD - STATE

NEW WAGE RATES - OPERATING FROM AUGUST 29, 1960.

	CARPENTERS:			JOINERS:		
	Southern	Mackay	Northern	Southern	Mackay	Northern
Weekly Rate	£19. 4. 6	£19.13. 6	✗£19.15. 6	£18.14. 0	£19. 3. 0	£19. 5. 0
Tool Allowance & Insurance	8. 0	8. 0	8. 0	5. 6	5. 6	5. 6
Sick Pay	7. 6	7. 6	7. 6	7. 6	7. 6	7. 6
	£20. 0. 0	£20. 9. 0	£20.11. 0	£19. 7. 0	£19.16. 0	£19.18. 0
Daily Rate	3.16. 11	3.18. 8	3.19. 1	3.14.10	3.16. 7	3.17. 0
Hourly Rate	9. 7	9.10	✗ 9.11	9. 4	9. 7	9. 7½
Casual Rate	10. 9	11. 1	11. 2	10. 6	10. 9	10.10½
Time and Half Rate	14. 4	14. 9	14.11	14. 0	14. 4½	14. 5
Double Time	19. 2	19. 8	19.10	18. 8	19. 2	19. 3
Pro Rata Annual Leave	15. 8	16. 0½	16. 1½	15. 3	15. 7½	15. 8½
Western District Allowance	£20.10. 6	- - -	£21.13. 0	£19.16. 6	- - -	£20.19. 0

A P P R E N T I C E S

APPRENTICESHIP YEAR	CARPENTERS:			JOINERS IN JOINERY FACTORIES:		
1st year - 30%	£ 5.15. 4	£ 5.18. 0	£ 5.18. 8	£ 5.12. 3	£ 5.14.11	£ 5.15. 6
2nd year - 37%	7. 2. 3	7. 5. 7	7. 6. 3	6.18. 5	7. 1. 8	7. 2. 5
3rd year - 47%	9. 0. 8	9. 4.11	9. 5.10	8.15. 9	9. 0. 0	9. 0.11
4th year - 67%	12.17. 6	13. 3. 7	13. 4.11	12.10. 2	12.16. 7	12.17.11
5th year - 83%	15.19. 0	16. 6. 6	16. 8. 2	15.10. 5	15.17.11	15.19. 7

TOOL ALLOWANCE

CARPENTER APPRENTICES:

£13. 2. 6 for each of 1st, 2nd and 3rd year: then 8/- (including 6d. tool insurance) per week.

JOINER APPRENTICES:

£8. 15. 0 for each of 1st, 2nd and 3rd year: then 5/6 (including 6d. tool insurance) per week.

SICK LEAVE APPRENTICES: 2 weeks per year - accumulative - if have credits can take up to 7 weeks in any one year.

00125

BUILDING WORKERS' INDUSTRIAL UNION OF AUSTRALIA

: PLEASE TURN OVER

(QUEENSLAND BRANCH)

Di allow: 2/6 (8/-) L/H £1 . 0 . 0
Lost time 1/3 (7/6) L/H £1 . 10 . 0
Sick pay Trav Exp £1 . 2 . 6 day
increase 1/- (7/6) Annual C/All. £1 . 15 . 0 day
4/9 from 1/9/60

BUILDING TRADES AWARD - STATE

WAGES RATES - OPERATING AUGUST 1, 1960

	CARPENTERS: Southern	Mackay	Northern	JOINERS: Southern	Mackay	Northern
Weekly Rate	£19. 0. 9	£19. 9. 9	£19.11. 9	£18.14. 0	£19. 3. 0	£19. 5. 0
Tool Allowance & Insurance	8. 0	8. 0	8. 0	5. 6	5. 6	5. 6
Sick Pay	6. 6	6. 6	6. 6	6. 6	6. 6	6. 6
	£19.15. 3	£20. 4. 3	£20. 6. 3	£19. 6. 0	£19.15. 0	£19.17. 0
Country Allowance	7 . 11 . 0	7 . 13 . 0	7 . 10 . 0			
Daily Rate	£ 3.16. 2	£ 3.17.11	£ 3.18. 4	£ 3.14.10	£ 3.16. 7	£ 3.17. 0
Hourly Rate	9. 6	9. 9	9. 9½	9. 4	9. 7	9. 7½
Casual Rate	10. 9	11. 0	11. 0½	10. 6	10. 9	10.10½
Time and Half Rate	14. 3	14. 7½	14. 8	14. 0	14. 4½	14. 5
Double Time	19. 0	19. 6	19. 7	18. 8	19. 2	19. 3
Pro Rata Annual Leave	15. 6	15.11	16. 0	15. 3	15. 7	15. 8
Western District Allowance	£20. 5. 9	- - -	£21. 8. 3	£19.16. 6	- - -	£20.19. 0

A P P R E N T I C E S

APPRENTICESHIP YEAR	CARPENTERS:			JOINERS IN JOINERY FACTORIES:		
1st year - 30%	£ 5.14. 2	£ 5.16.11	£ 5.17. 6	£ 5.12. 3	£ 5.14.11	£ 5.15. 6
2nd year - 37%	7. 0.10	7. 4. 3	7. 4.11	6.18. 5	7. 1. 8	7. 2. 5
3rd year - 47%	8.18.11	9. 3. 2	9. 4. 1	8.15. 9	9. 0. 0	9. 0.11
4th year - 67%	12.15. 0	13. 1. 2	13. 2. 6	12.10. 7	12.16. 7	12.17.11
5th year - 83%	15.15.11	16. 3. 6	16. 5. 2	15.10. 5	15.17.11	15.19. 7

TOOL ALLOWANCE

CARPENTER APPRENTICES:

£13. 2. 6. for each of 1st, 2nd and 3rd year: then 8/- (including tool allowance) per week.

JOINER APPRENTICES

£8. 15. 0. for each of 1st, 2nd and 3rd year: then 5/6 (including tool allowance) per week.

SICK LEAVE APPRENTICES: 2 weeks per year - accumulative - if have credits can take up to 7 weeks in any one year.

00126

BUILDING WORKERS' INDUSTRIAL UNION OF AUSTRALIA (Queensland Branch)

Building Trades Award State – Wages Rates – Operating from July 28, 1958

CARPENTERS:

	Southern	Mackay	Northern
Weekly Rate	£17 0 9	£17 7 3	£17 11 9
Tool Allowance—Weekly	5 6	5 6	5 6
Sick Pay—Weekly	6 6	6 6	6 6
	£17 12 9	£17 19 3	£18 3 9
Daily Rate	3 8 2	3 9 5	3 10 4
Hourly Rate	8 6	8 8	8 9½
Casual Rate	9 6½	9 8½	9 10¼
Time and Half Rate	12 9	13 0	13 2¼
Double Time Rate	17 0	17 4	17 7
Pro-rata Annual Leave	13 10	14 2	14 4
Western Dist.—per wk.	£18 0 1		£18 11 1

JOINERS IN JOINERY FACTORIES:

	Southern	Mackay	Northern
	£16 14 0	£17 0 6	£17 5 0
	4 6	4 6	4 6
	6 6	6 6	6 6
	£17 5 0	£17 11 6	£17 16 0
	3 6 10	3 8 1	3 9 0
	8 4½	8 6	8 7½
	9 4½	9 6½	9 8
	12 6¼	12 9	12 11¼
	16 8½	17 0	17 3
	13 7	13 10	14 1
	£17 12 4		£18 3 4

APPRENTICES:

Year	%	Southern	Mackay	Northern	Southern	Mackay	Northern
1st Year	30%	£5 2 3	£5 4 2	£5 5 6	£5 0 3	£5 2 2	£5 3 6
2nd Year	37%	6 6 1	6 8 6	6 10 2	6 3 7	6 6 0	6 7 9
3rd Year	47%	8 0 2	8 3 3	8 5 4	7 17 0	8 0 0	8 2 2
4th Year	67%	11 8 4	11 12 8	11 15 8	11 3 10	11 8 2	11 11 2
5th Year	83%	14 2 10	14 8 3	14 12 0	13 17 3	14 2 8	14 6 4

Tool All. £9/12/6, 1st 3 years then 5/6 p.w. **Tool All. £7/17/6, 1st 3 years then 4/6 p.w.**

Demand That 27/6 Wage Margin Rise Now P.T.O.

00127

New Wage Rates from January 27, 1958

The 3/- Basic Wage adjustment (see other side) should be not less than 50/- with real control of prices. We lodged a claim on December 12, 1957, for an interim (or first) increase of 20/- in the basic wage pending a full hearing.

Our affidavit showed details of recent price increases in meat, flour, eggs, fish, breakfast foods, fruit and **RENTS**, amounting to more than 20/-.

Our affidavit filed in the Court on December 12, 1957, declared that the Unions believe that a "State of Emergency" exists with regard to the Cost of Living and the low Basic Wage.

● **The Court has not yet set down a date of hearing of our claim.**

● **You should support our application in every way.**

The Building Trade Award

Our claim for important improvements to our Award plus a wage increase of £3 in our margin has been set down for hearing on March 13, 1958.

This claim like that of an increased basic wage, can only be won by unity in action of all workers.

Will you please help!

THE BUILDING WORKERS' INDUSTRIAL UNION

L. R. Randall,
President

G. M. Dawson,
State Secretary

Latest Compensation Rates are: Single man or married man without dependents £9/15/-; add £2/10/- for dependent wife and 15/- for each dependent child.

00128

Please Turn Over.

A B.W.I.U. Service

WITH YOUR UNION'S COMPLIMENTS

This valuable Award and Information Book – the only one of its type issued by a Queensland union (indeed by any union), comes to you as yet another B.W.I.U. Service. It has been entirely compiled by the officers of your union after consultation with hundreds of members on what you thought should be in the Book.

Into the Book has gone the not inconsiderable and accumulated experience of the Union's officers. Officers who for years now have done everything they possibly could to advance the interests of our membership and of workers generally.

May your reading of the Book be as enjoyable and as useful as our experience in compiling it!

The Building Workers' Industrial Union.

L. Randall, President.

G. M. Dawson, Secretary.

00129

AS YOUR AWARD BOOK was being printed when the latest 2/- basic wage increase occurred, the rates below are those applying as from July 29, 1957. Keep them with your book.

	CARPENTERS:			JOINERS:		
	Southern	Mackay	Northern	Southern	Mackay	Northern
Weekly Rate	£16 7 9	£16 14 3	£16 18 9	£16 1 0	£16 7 6	£16 12 0
Tool Allowance	5 6	5 6	5 6	4 6	4 6	4 6
Sick Pay	6 3	6 3	6 3	6 3	6 3	6 3
	£16 19 6	£17 6 0	£17 10 6	£16 11 9	£16 18 3	£17 2 9
Western District	£17 6 10		£17 17 10	£16 19 1		£17 10 1
Daily Rate	3 5 7	3 6 11	3 7 9	3 4 2	3 5 6	3 6 5
Hourly Rate	8 2½	8 4½	8 5½	8 0¼	8 2¼	8 3½

APPRENTICES:

Year:	Southern	Mackay	Northern	Tool Allowance
1st Year	£4 18 4	£5 0 3	£5 1 8	£9 12 6 per year.
2nd Year	6 1 3	6 3 8	6 5 4	£9 12 6 per year.
3rd Year	7 14 0	7 17 1	7 19 2	£9 12 6 per year.
4th Year	10 19 7	11 3 11	11 7 0	5 6 per wk.
5th Year	13 12 0	13 17 5	14 1 2	5 6 per wk.

Note: Tax Deductions for Tools is now £20. **Books received this month.**

00130

their clothing becomes wet with water, or when they are required to work where there is water under foot so that the feet of the workmen become wet, such employees shall be paid not less than 3s. per day in addition to the rates above prescribed:

Provided that such 3s. shall not be payable when protective clothing or boots are supplied.

WORK IN RAIN

Where employees are instructed by the employer or his authorised representative to work in the rain they shall be paid double time for the time so worked with a minimum of one hour.

(6) **Underpinning.**—An additional 1s. 6d. per day in addition to the rates above prescribed shall be paid for all work done in underpinning walls or in confined situations, such as holes or shafts, provided that the depth of such holes or shafts is six feet or over.

(7) **Chimney shafts.**—When engaged on such work in chimney shafts fifty feet or over, employees shall be paid not less than 3s. per day in addition to the rates above prescribed.

LEADING HAND

(8) Tradesman in charge.—(a) a tradesman in charge of two to four other tradesmen shall be paid not less than 3s. per day in addition to the rates above prescribed.

(b) A tradesman in charge of more than four other tradesmen shall be paid not less than 4s. per day in addition to the rates above prescribed.

(c) A builder's labourer appointed to be in charge of other builder's labourers shall be paid not less than 3s. per day in addition to the rates above prescribed.

(9) **Leading hand plumber.**—A leading hand plumber in charge of less than two employees shall be paid 2s. 6d. per day in addition to the rate prescribed for plumbers. When in charge of two to four employees he shall be paid 3s. 9d. per day extra, and of more than four 6s. per day extra.

(10) **Labourers mixing wet concrete or compo.**—Labourers employed mixing or depositing wet concrete or any labourer employed mixing compo for bricklayers or plasterers shall be paid 2s. per day in addition to the rates above prescribed.

(11) **Plasterers top-dressing floors.**—Plasterers engaged in top-dressing floor work or patching old and dirty work shall be paid 1s. 6d. per day in addition to the rates above prescribed. This shall not apply to terazzo floor layers.

(12) **Plasterers in sewers, &c.**—Plasterers engaged in sewer or shaft work in drains four feet and over in diameter shall be paid 1s. 6d. per day in addition to the ordinary rate. In drains under four feet in diameter they shall be paid 2s. 3d. per day in addition to the ordinary rate.

(13) **Plasterers cementing water tanks.**—Plasterers engaged in cementing water tanks shall be paid 1s. 6d. per day in addition to the ordinary rate.

00131

(14) **Plasterers using enamelite and/or flintkote.**—Plasterers engaged in using enamelite and/or flintkote or in rendering floors, walls, and/or ceiling with enamelite and/or flintkote shall, while so engaged, be paid 4d. per hour in addition to their ordinary rates.

(15) **Bricklayers on repair work, &c.**—Employees engaged in repairing the brickwork of furnaces and settings in connection with boilers, bakers' ovens, annealing, smelting or coke ovens, kilns, gas retorts, or furnace work of any description, and employees engaged on the construction of brick settings and furnaces in connection with boilers or building ovens or furnaces of any description, where such work is carried out with secondhand bricks (i.e., with bricks which have been previously set in mortar or fire-clay in any constructional work) shall be paid for at not less than one and one-sixth times the ordinary rates:

Provided that hot work (work at a temperature of 110 degrees Fahrenheit or over) shall be paid for at one and one-third times the ordinary rates.

The foregoing shall not apply to any kiln or furnace work in connection with the burning of bricks, pipes or tiles or any earthenware goods.

EXCESSIVE HEAT

(16) **Work in excessive heat.**—Employees engaged at work in the shade where the temperature caused by artificial means is 110 degrees Fahrenheit or over shall be paid at the rate of 2d. per hour in addition to the ordinary rates.

(17) **Work under unpleasant conditions.**—Employees engaged in handling charcoal used in refrigerating chambers, cleaning covered drains, cleaning septic tanks, shall be paid at the rate of time and a-quarter.

NO PIECEWORK — LABOUR ONLY

(18) Piecework prohibited.—Piecework of any description shall not be worked.

Contract work for labour only or substantially for labour only shall be considered piecework within the meaning of this subclause.

(19) **Gear and gantry hands, dogmen, &c.**—Any labourer employed as gear hand, gantry hand, dogman, hoist driver, powder monkey, jackhammer man, or using a pneumatic pick or concrete breaker of a weight in excess of 30 lb., steelbender, or labourer employed dipping materials in hot creosote, shall be paid 2s. per day in addition to the ordinary rates.

(20) **Plumbers on repair work.**—Plumbers engaged in refitting grids for hatches, repairing leaks, renewing parts of conduct or brine pipes, working on compressors or insulator work with charcoal ashes or silicate of cotton or any such material on any boat, ship, or vessel which has done one voyage or more shall be paid at the rate of 5s. per day in addition to the ordinary rates.

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TOOL ALLOWANCES

(21) **Tool Allowances.**—The following tool allowances shall be paid in addition to the ordinary rates to the tradesmen set out hereunder when using their own tools:—

	Per week s.	d.
Carpenters and joiners—		
When engaged on construction or maintenance work	5	6
When engaged in joinery establishments	4	6
Signwriters	3	0
Plasterers, plumbers and gasfitters	2	6
All other tradesmen	1	6

These allowances shall not be paid while employees are absent on annual leave.

(22) **Glass cutters.**—The employer shall supply glass cutters to leadlight workers and glaziers.

(23) **Ship construction.**—Where it is necessary for an employee engaged on the construction of ships or pontoons to work in a cramped position in a small compartment, or in a place not properly ventilated, or where due to the shape of a compartment it is necessary for the employee to work in a cramped position, such employee shall be paid 2d. per hour above his ordinary rate for the actual time he is so employed.

PROSPERITY LOADING — MEATWORKS

(24) **Employees in meatworks—prosperity loading.**—All employees covered by this award employed by the Queensland Meat Industry Board, Thos. Borthwick & Sons (Australasia) Ltd., Queensland Meat Export Company Limited, Swift Australian Company (Pty.) Ltd., and The Central Queensland Meat Export Company Limited shall, in addition to the rates of pay hereinbefore prescribed, be paid a prosperity loading of 27s. 6d. per week.

(25) **Licensed scaffolder.**—Any labourer employed as a licensed scaffolder shall be paid 2s. per day in addition to the rates above prescribed. This payment shall be continuous irrespective of the class of work he performs.

SUPPLY OF GLOVES

(26) **Supply of gloves.**—Gloves shall be provided by the employer for employees engaged in handling hot bitumen, creosote, washing down brickwork and cleaning dirty drains.

(27) **Work on bosun's chair.**—Employees engaged on work requiring the use of a bosun's chair shall be paid 3d. per hour in addition to the rates above prescribed while engaged upon such work.

(28) **Bricklayers laying other than standard bricks.**—Bricklayers laying other than standard bricks shall be paid as follows:—

For bricks over 12 lbs. and up to 20 lbs. 2d. per hour extra;

Over 20lbs. and up to 40 lbs. 4d. per hour extra;
Over 40 lbs. 6d. per hour extra.

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SHIFT WORK ON SEWERS

11. On sewerage construction work, plumbers, carpenters, plasterers, bricklayers, and builders' labourers may work underground, at award rates, on continuous shifts, corresponding to those worked by other underground workers; also, they may work shifts, where continuous shifts are not required, at such times as may be arranged, provided that each shift shall consist of eight hours, bank to bank, including three-quarters of an hour for crib on the surface, and provided that no employee shall be required to work night shift more than one week in three, or afternoon shift more than one week in two.

FARES AND TRAVELLING ALLOWANCE

TOWN ALLOWANCE

12. (1) The employer shall pay all fares from shop to job and back to shop, and in the case of shop employees, all fares in excess of those ordinarily paid by the employee to reach the employer's shop, provided that the employee has paid such excess.

Fares from the centre as hereinafter mentioned shall also be paid to employees employed on work more than 3 miles from such centre.

TRAVELLING TIME

(2) Employees employed on work more than three miles from the shop or centre as hereinafter mentioned shall be paid ordinary rates of pay for all time occupied in travelling to and from the job over and above three miles:

Provided, however, that if the job lies between the employee's residence and his permanent workshop or centre no travelling time shall be paid.

DISTANCE CALCULATION

(3) Under this clause the following method shall be adopted to ascertain the distance travelled by an employee from his shop or centre to the job.

PERMANENT WORKSHOP

(a) Where the employer has a permanent workshop, the distance shall be calculated from such workshop, but in the event of the work being nearer to the employee's residence than to the shop, then the distance shall be calculated from the employee's residence.

THE CENTRE

(b) Where an employer has no permanent workshop, and the job is done within a radius of ten miles from the General Post Office, Brisbane, the distance shall be calculated from the General Post Office, Brisbane, or the following railway stations:—Brisbane Central, Roma Street, Brunswick Street, or Melbourne Street.

(c) Outside the said radius, where the employer has no permanent workshop, the distance shall be calculated from the Post Office at the place where the employer carries on business, or, in the event of the work being nearer to the employee's residence than the place where the employer is carrying on business, then the distance shall be calculated from the employee's residence.

TIME ALLOWANCES

(d) The following time allowances shall apply to travelling time:—

Motor vehicle	2½ minutes to the mile
Train, motor bus or trolley bus	3 minutes to the mile
Tram or bicycle	6 minutes to the mile
Walking	20 minutes to the mile

THREE MILE POINTS FOR TRAVELLING TIME—BRISBANE.

RAILWAY ROUTES

Ipswich Line, from Roma Street —
Three Mile Limit ..... TOOWONG

Sandgate and Pinkenba Lines, from Brunswick Street—
Three Mile Limit ..... WOOLOOWIN

Tweed Heads and Beaudesert Lines, from Melbourne St.—
Three Mile Limit ..... FAIRFIELD

Cleveland Line, from Melbourne Street—
Three Mile Limit ..... COORPAROO

Enoggera Line—
Three Mile Limit ..... WILSTON

TRAMWAY ROUTES

ASCOT — Gray's Road, on Hamilton Road.
ASHGROVE — Dorset Street, on Waterworks Road.
CLAYFIELD — Birkbeck Street, on Albion Road.
COORPAROO — O'Keefe Street, corner Logan and Old Cleveland Roads.
DUTTON PARK — South Brisbane Cemetery Gates.
EAST BRISBANE — Latrobe Street, opposite Mowbray Park.
GREENSLOPES — See Coorparoo.
IPSWICH ROAD — Diamantina Hospital Gates.
KEDRON — Windsor Town Hall.
KELVIN GROVE — Corner Newmarket Road, past Hotel.
PADDINGTON — Rockbourne Terrace.
TOOWONG — Corner Norwood Street and Sylvan Road.
RAINWORTH — Terminus.

In other cities and towns Travelling Time starts at a point three miles from the Post Office. IN COUNTRY DISTRICTS TRAVELLING TIME STARTS 3 miles from the principal Post Office.

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COUNTRY ALLOWANCE

13. (1) Any employee who is sent by his employer or selected or engaged by an employer or agent, to go to country work shall be paid all fares, time, and allowance by the employer, covering travel to and from such work and place of engagement:

2 MONTHS OR COMPLETION JOB

Provided always that such employee continues to faithfully carry out his duties to the completion of such work or for a period of at least two months.

FARES HOME

(2) On jobs lasting over two months and where the distance from the place of engagement to the place of such work is not more than 300 miles, such allowance (fare only and that only when availed of) shall be paid once each way every month. Where the distance is not more than 600 miles such fare shall be paid every two months when availed of.

RECALL FROM COUNTRY WORK

In the event of an employee being recalled by his employer and afterwards ordered to return to such work, his fare shall be paid on each and every such occasion. Time reasonably taken up in travelling to and from such work shall be paid for at ordinary rates.

TRAVELLING TIME

(3) But no employee shall be entitled to payment for more hours than eight hours at ordinary rates in any one day, unless on the same day he is engaged on work for his employer, when the travelling allowance shall be paid in addition to payment for the time worked.

ALLOWANCE

(4) Suitable board and sleeping accommodation shall be provided for the employee on such country work, or the employer shall make an allowance to the employee as follows:—

If employed on country work for less than a full working week £1 per day.

If employed on country work for a full working week, or longer, at the rate of £4 4s. per week (of seven days) in the Southern Division, £4 6s. per week (of seven days) in the Mackay Division, £4 8s. per week (of seven days) in the Northern Division.

WEEK-END RETURN

Where an employee returns home for a week-end or part of a week-end and does not absent himself from the job for any of the ordinary working hours, no reduction of the allowance in this sub-clause shall be made.

FARES — SLEEPERS

(5) Any employee travelling to or from jobs shall be allowed coach fares, second-class railway fares, and sleeping berth and/or first-class boat fares. An allowance of 13s. per day to cover expenses shall be paid to him while so travelling by train or coach.

SPECIAL AGREEMENT

(6) Provided that the employer may make an agreement with the union concerned to vary any of the provisions of this or the preceding clause relating to fares and travelling allowances. Such agreement shall be in writing, and a copy shall be forwarded to the nearest industrial inspector.

ACCOMMODATION STANDARD

(7) When work is situated away from suitable accommodation, the employer shall supply tents with sleeping and living accommodation therein (including stretcher and mattress for each employee) at least equal to the accommodation prescribed by the Workers' Accommodation Act, in addition to allowances provided for in subclause (4) of this clause.

GENERAL

DAY'S NOTICE — WAITING TIME

14. (1) When an employee is discharged or voluntarily leaves his work, provided the necessary one day's notice has been given he shall be paid all wages, fares and pro rata annual leave due to him within five minutes of ceasing time. If he is not so paid, waiting time shall be paid at double rates (not to exceed eight hours in any twenty-four hours) unless the delay is caused through no fault of the employer.

PAY DAY FRIDAY

(2) Except where otherwise mutually arranged, and except in the case of Crown employees who may be paid on a day in each week to be fixed by the employer, all wages shall be paid weekly on Fridays within five minutes of ceasing time. If not paid within five minutes of ceasing time waiting time shall be paid at double rates, unless the delay is caused through no fault of the employer:

Provided that except in the case of those employees who were customarily paid weekly at the City Hall or at the Newstead or Leichhardt Street depots prior to 6th October, 1931, the Brisbane City Council may pay its employees fortnightly on a day to be fixed by the Council.

The Rockhampton City Council and the Townsville City Council may also continue to pay their employees fortnightly on a day or days to be fixed by the said Councils. Not more than one day's pay shall be kept in hand.

SANITATION — HOT WATER — TOOL LOCK-UP

(3) Employers shall provide on all jobs suitable sanitary conveniences, boiling water ready for meal times, and, in cases where the building is more than two stories high

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and there is no lift which can be used by the employees, boiling water shall, if requested by the employees, be supplied on the floor on which they are working, provided such floor is more than two stories above ground. A suitable and safe place for employees' tools in which they can be stored apart from the builder's plant or materials shall be supplied by the employer.

DRESSING ACCOMMODATION

(4) Where reasonably practicable, employers shall provide suitable dressing accommodation on all jobs where more than six men are employed and the job lasts or is estimated to last more than three weeks.

WEIGHT OF BRICKS

(5) Not more than ten bricks in a sling shall be hoisted by manual labour between the ground and the landing. Such bricks shall not be hoisted beyond a height of thirty feet. If bricks are required to be hoisted more than thirty feet by manual labour, not more than eight bricks shall be hoisted in a sling. Two men shall be employed in connection with the hoisting of such bricks. Concrete, bricks, or other material shall be wheeled only to a height of four feet, and not more than thirty bricks shall be wheeled in a barrow to a height of four feet, and not more than forty bricks shall be wheeled in a barrow on the level.

ASBESTOS ROOFING

Where practicable corrugated asbestos roofing shall be hoisted to the roof by mechanical means.

GRINDSTONE

(6) The employer shall provide a natural sandstone grindstone, or other grindstone to be agreed upon between the employer and the Amalgamated Society of Carpenters and Joiners of Australasia, Union of Employees, Queensland, for grinding purposes, with a handle attached, and a man or power to turn same, on every shop, job, or building where such is required.

In the event of there being no grindstone provided, the employer shall pay to each employee the sum of 1s. per week in lieu of same.

DRINKING WATER

(7) Employers shall supply water-bags and drinking water on all jobs or shops where water is not laid on.

AUGERS

(8) Employers shall find all augurs over 9 inches long.

FIRST AID

(9) The employer shall keep on all jobs and workshops a proper supply of first-aid material.

GUARDS

(10) On all grinding and emery wheels guards shall be provided for the protection of the eyes.

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TOOLS SUPPLIED

(11) The employer shall provide the following tools and appliances:—

Caulking irons, frame chain and keys, chain wrenches, mandrels, metal pots, pipe-cutters, plumbing irons, ratchets, stocks and dies, taps and drills, vices, soldering iron, file, lamps, bobbins, followers and hacksaw blades, hammers over 2 lb. in weight, pinch bars, and all pipe tongs twelve inches and over in length.

If employees are required to supply any of these tools they shall be paid 1s. per day extra.

RASPS

(12) The employer shall supply rasps for use on asbestos roofing or shingles.

(13) The employer shall provide signwriters with the following tools and equipment when required for use:—

Chamois leather, gilding tip, gilding knife, gilding brush, enamel billy, signwriter's mop, dagger liner, sponge, pliers, claw hammer, screw driver, stripping knife, large compass, duster, perspex square, tracing wheel, T square, sign cutter, and putty knife.

TRANSPORT AFTER HOURS

(14) In cases where an employee completes his work during the night-time, after trams and other public conveyances have ceased running, the employer shall provide a conveyance to take the employee home, or shall pay to such employee the equivalent in money.

(15) The fixing of concrete blocks or artificial stone shall be done by a bricklayer or stonemason only.

REPLACEMENT TOOLS, CLOTHES

(16) When an employee's clothes or tools are injured by corrosive acids, he shall be paid reasonable compensation by the employer.

(17) Employees working in chilling or freezing rooms shall enjoy the same conditions as to "laps" as employees who are subject to the Meat Export Award—State.

DISMISSAL RIGHTS — CASUALS

(18) The following subclauses shall apply to casual employees only:—

(a) When an employee is discharged, he shall be given two hours' notice, and be paid his wages before ceasing time; if he is not so paid he shall for such time as shall elapse between his discharge and payment, be paid at his ordinary rate of wages.

2 HOUR MINIMUM

(b) When an employee turns up for work at the usual starting time in the morning, and is then informed that his services are not required for that morning, he shall be paid two hours' wages. If an employee turns up for work at 1 p.m., and is then informed that his services are not required for that half-day, he shall be paid two hours' wages; Provided that

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such employee shall not be entitled to be paid wages if, when he turns up for work, weather conditions are such as to prevent work being done.

4 HOUR MINIMUM

(c) If an employee commences work between the hours of 8 o'clock a.m. and 12 o'clock noon, and is stopped on account of wet weather or through waiting for material he shall receive four hours' pay at ordinary rates for that half-day, or if an employee commences work between the hours of 1 o'clock p.m. and 5 o'clock p.m., and is stopped on account of wet weather, or through waiting for material, he shall receive four hours' pay at ordinary rates for that half-day.

DISMISSALS — NOT CASUALS

(19) The following subclauses shall apply to employees other than casual employees:—

ABSENT — OWN FAULT

(a) If an employee shall through no fault of his employer, be absent from his work, a proportionate reduction of his wages shall be made for the period of such absence.

FULL WEEK'S WAGES

(b) An employee shall, subject to clause 6, the provision as to deduction for wet weather in clause 10 (1), and subclause (a) hereof, be paid a full week's wage, unless he is employed for a less period than a week, in which latter event he shall, unless paid a full week's wage, be paid the rate prescribed for casual employees: Provided that if an employee shall have been employed by the same employer for a period of more than six consecutive days (exclusive of Sundays), he shall be paid in respect of any portion of a week, at the commencement or termination of his employment, a sum proportionate to the week's wage.

DAY'S NOTICE — 2 HOURS SHARPEN TOOLS

(c) Unless an employee is dismissed for dishonesty, drunkenness, incompetency or disobedience, he shall be entitled to one day's notice, or to one day's pay in lieu of such notice, and any employee on leaving his employer's service shall give one day's notice or forfeit one day's pay in lieu of such notice: Provided that no employee shall be deemed to be dismissed for incompetency after he has worked one week for an employer. If such employee is a woodworker, he shall be allowed two hours to put his tools in order.

DAY'S NOTICE — JOINERS — 2 HOURS SHARPEN TOOLS

(d) An employee while exclusively engaged at or in any factory where the employer is exclusively or mainly engaged in the manufacture of joinery for sale, shall, unless dismissed for dishonesty, drunkenness, incompetency or disobedience, be entitled to one day's notice, or to one day's pay in lieu of

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such notice, and any such employee on leaving his employer's service shall give one day's notice or forfeit one day's pay in lieu of such notice: Provided that no such employee shall be deemed to be dismissed for incompetency after he has worked one week for an employer. If such employee is a woodworker he shall be allowed two hours to put his tools in order.

CASUAL WORK

If any such employee is employed for a less period than a week, he shall be paid the rate prescribed for casual employees.

Paragraphs (a), (b), and (c) of this subclause shall not apply to such employees.

(20) The selection of labour on the job under this award shall be between the hours of 8 a.m. and 10 a.m. daily.

(21) Plumbers using their own bicycles in their employer's work shall be paid 3s. per week in addition to the rate prescribed by this award.

SMOKOS

(22) **Rest pauses.—Each employee covered by this award shall be entitled to a rest pause of ten minutes duration in the employer's time in the first and second half of his daily work. Such rest pauses shall be taken at such times as will not interfere with continuity of work, where continuity is necessary.**

PUT AWAY TOOLS

(23) Carpenters employed by M. R. Hornibrook Pty. Ltd. at Gibson Island shall be granted not more than five minutes before ceasing time to collect and put away their tools of trade.

(24) **M. R. Hornibrook Pty. Ltd.—Gibson Island Power House.**—Employees of M. R. Hornibrook Pty. Ltd. at Gibson Island who reside at Cleveland, Lota, Manly, Wynnum and adjacent districts shall be paid fares and travelling time as otherwise prescribed by clause 12 of this award, to and from a point three miles from their residence and the job at Gibson Island.

Painters employed at the Gibson Island Power House on work adjacent to the boilers where the temperature exceeds 105 degrees Fahrenheit by artificial means shall be entitled to four rest pauses of ten minutes duration in each working day in addition to the rest pauses provided for in the first paragraph of this subclause. These rest pauses shall be taken as nearly as possible at the end of each working hour, other than the hours which precede the ordinary rest pauses: Provided that subclause (16) of clause 10 shall not apply to these employees.

PREFERENCE

15. **PREFERENCE OF EMPLOYMENT** for work done under this award in respect of the callings for which the several undermentioned unions are registered shall be given to financial members of the United Operative Bricklayers Society of Queensland Union of Employees, THE AMALGAMATED SOCIETY OF CARPENTERS AND JOINERS

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OF AUSTRALASIA UNION OF EMPLOYEES, QUEENSLAND, the Queensland Branch Australian Builders Labourers' Federation Union of Employees, the Queensland Plasterers' Union of Employees, the Plumbers and Gasfitters Employees Union of Australia Queensland Branch Union of Employees, and the Operative Painters and Decorators Union of Australia, Queensland Branch Union of Employees, or to persons who give to the employer an undertaking in writing to make application to join the relevant union within fourteen days of accepting employment:

Provided that, in the Mackay and Northern Divisions, preference of employment as builders labourers shall be given to members of the Australian Workers' Union of Employees, Queensland, or to persons who give to the employer an undertaking in writing to make application to join such union within fourteen days of accepting employment.

PREFERENCE FINANCIAL MEMBERS

No employee who is not a financial member of the relevant union shall be continued in employment under this award unless he makes application to join one of the said unions within fourteen days from the date hereof or, if he commences employment after that date, then within fourteen days of commencing employment.

No person shall be deemed to have made application to join the relevant union unless he has tendered the fee prescribed by the rules of the union:

Provided that where members of the Sheet Metal Working Agricultural Implement and Stove Making Industrial Union of Employees of Australia, Queensland Branch are employed on work covered by this award, such members shall not be required to join the Plumbers and Gasfitters Employees Union of Australia Queensland Branch Union of Employees:

Provided further, that this clause shall not apply to the foreman, i.e., a tradesman in charge of all other tradesmen on any job or in any shop.

OPERATION OF AWARD

16. This award as consolidated and reprinted shall take effect and have the force of law as from the twenty-third day of August, 1954, and shall remain in force for a period of twelve months from the date hereof.

And this Court doth further order that any of the parties are to be at liberty to apply to this Court as they may be advised.

Dated this twenty-third day of August, 1954.

By the Court,

(L.S.) P. J. DAVIES,
Industrial Registrar.

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Amalgamated Society of Carpenters and Joiners of Australia

(Queensland Branch)

RULES

RULE 1

NAME AND CONSTITUTION:

(1) "This Union shall be called the Amalgamated Society of Carpenters and Joiners of Australia, Queensland Branch, and shall consist of an unlimited number of persons whether Male or Female employed or usually employed as carpenters or joiners, including ship carpenters or joiners, together with officials of the Union."

(2) The seal of the Union shall be oval in shape inscribed in the outer edge the words "Amalgamated Society of Carpenters and Joiners of Australia" and it shall have on the inner space the words "Queensland State Management Committee."

RULE 2

OBJECTS:

The objects of the Union shall be as follows, viz:—

Funds: How Raised.

1. To raise funds by entrance fees, contributions and fines, from all members in the sub-branches of the Union, also by interest on capital.

The funds so acquired shall be used for the purposes set out in the registered rules of the Union.

Political Action, etc.

2. To improve the social and economic position of its members by industrial, political and independent working class educational actions or other constitutional means, provided in the rules of the Organisation.

Acquire Lands.

3. To provide for the acquisition of land or buildings for the Union's purpose; to assist in the establishment of any Union co-operative enterprise, or Building Trade Guild which may be decided upon by a two-thirds majority of financial members voting by ballot in the State.

Amalgamation.

4. To take all necessary steps to secure the federation or amalgamation of Unions whose members are engaged in the building industry into one Building Trade Union in the State by a majority of members voting in the State.

Legal Assistance.

5. To render legal and other assistance to members for the recovery of wages or compensation for injuries and to protect the interest of the trade.

Also to assist other trades by any legal methods subject to a majority vote of the members in the State.

6. To pay a funeral donation, and to compensate members as may be provided for under State Rules.

Information Bureaux.

7. To further any scheme which has for its object the establishment of Labour Research and Information Bureaux in the State.

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RULE 3

ENTRANCE FEE:

1. The Entrance Fee shall be 20/- or any other sum, as the Sub-Branch or State Management Committee may decide, but not more than 40/-.

MEMBERSHIP:

2. Application for membership shall be on the form provided, signed by the applicant and two financial members of the Sub-Branch, who shall first satisfy themselves that the applicant is a fit and proper person to enter the Union.

All applicants for membership in the Union if residing within a three mile radius of the Sub-Branch where they apply, must, unless a satisfactory reason is given attend the Meeting at which their application is considered.

3. All applications for membership shall be lodged together with the amount of Entrance Fee with the Sub-Branch Secretary, or such other person authorised by the S.M.C. Applications for membership shall be dealt with by the Sub-Branch or the S.M.C., who shall, if satisfied with the bona fides and Trade Qualifications of the Applicant, admit him to membership of the Sub-Branch as from the date of the Receipt of his application form by the Sub-Branch Secretary, or other duly authorised person.

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

5. Applicants for Membership shall be qualified workmen of good character and shall, when admitted to membership, enjoy all advantages of Membership so long as they comply with the registered Rules of the Union.

6. Any applicant who is a fully-paid up member of another Union, and who had previously been transferred from this Union to another Union, may be re-admitted on Clearance without Entrance Fee.

Any member entering this Union on Clearance from another Union, shall qualify for Benefits according to Rules.

7. Applicants shall, if possible, attend the next meeting of the Sub-Branch to which he makes application. Failure to attend shall not necessarily exempt the Candidate from election to membership.

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

9. All members shall be supplied with a copy of the Rules free of charge, but any member requiring a second copy shall be charged threepence (3d.).

RULE 4

CONTRIBUTIONS

1. Contributions shall be 40/- per half-year, payable in advance, part of such Contributions shall be used for the payment of producing Union Journals, and of posting same to the address of each financial member.

One shilling of each 40/- Contributions shall be retained by each Sub-Branch as a Benefit Fund, which shall be governed by uniform Rules drawn up by the State Management Committee, and each Fund shall be subject to audit and a copy of the Statement of Annual Receipts and Expenditure forwarded to the State Office.

One shilling shall be paid into the Contingent Fund, and used for the purposes, and in the manner laid down in Rule 26.

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Apprentices' Contributions and Entrance Fee.

2. Contributions by apprentices shall be two shillings and sixpence (2/6) entrance fee, and three shillings and sixpence (3/6) per half year for the first three years of apprenticeship, ten shillings (10/-) per half year for the fourth year of apprenticeship and fifteen shillings (15/-) per half year for the fifth year of apprenticeship.

Exemption from Contributions.

3. Branch Committees may grant exemption from Contributions to members who have been unemployed for more than Eighteen Weeks during any half year. Application for exemption must be made on prescribed form and proof of unemployment submitted with each application.

Aged and Infirm Members

4. All members over 65 years of age or who have had 25 years' continuous membership in the Union, who through physical infirmities, are unable to work continuously at the trade, may retain membership by paying 2/- per half year in advance, for which they shall be entitled to receive funeral benefit only, provided that this does not apply to members who are over 55 years of age when joining the Union. Members wishing to be placed under this Rule shall make application to the Sub-Branch Secretary.

When Unfinancial

5. Any member who fails to pay his contributions in advance on or before half-year night shall be deemed unfinancial. He shall not be entitled to any benefit, but 14 days' grace may be allowed.

Suspension of Benefits

Any member owing a half-year's contributions or more shall be suspended from Tool Benefit for two weeks from the date on which he makes himself financial.

Entrance Between Half-Year Nights.

6. Any member joining the Union between recognised half-year nights shall pay his contributions for the current half-year, and any amount paid in excess of the proportion due for the current half-year shall be credited to the member's next half-year's contribution.

Recovery of Arrears.

7. If any member allows his arrears to amount to two half-years' contributions, due notice shall be sent to his last known address, and the Sub-Branch Secretary shall take the necessary steps for the recovery of such arrears by legal process. All costs incurred in the recovery or attempted recovery of arrears of contributions shall be charged to the member concerned in addition to his arrears of contributions.

Resignation.

8. A member may resign his membership:
   (a) If he accepts employment in an industry other than that represented by the Organisation or
   (b) On giving to the Sub-Branch Secretary three months' notice and the payment of all dues to the date of his resignation.

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

10. Any member joining an Employers Association or the staff of an Employer, and being employed on work other than that of a leading hand or Foreman, shall at once have his name removed from the membership list. Failure to give notice to the Sub-Branch Secretary within four weeks of accepting such employment shall render the member liable to a Fine not exceeding Five Pounds (£5).

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Funds the Property of the Members Generally.

11. All moneys subscribed by the members shall be the property of the Union in Queensland, and not of the Sub-Branches to which the members respectively belong, and shall be held for and devoted to the payment of benefits specified in these Rules, and carrying out the objects of the Union. But, any member or members, Sub-Branch or Sub-Branches, seceding from the Union in Queensland, shall forfeit all claim to the benefits under our Rules, and to all moneys, books, and property held by or on behalf of the Union in Queensland.

RULE 5

REMOVAL OF OFFICERS:

1. The State Management Committee shall be under the control of the members. Any officer or member of the S.M.C. being charged with neglect of duty, grave misconduct, or violation of the Rules of the Union may be suspended immediately by decision of the S.M.C. In case of an appeal against suspension the grounds for such suspension, together with the appeal of the officer suspended, shall, within two months of suspension, be fully set out, and submitted to the members by whom such officer was elected, for confirmation or rejection; such decision of the members to be final. Should there be no appeal against suspension the S.M.C. shall have power to dismiss or otherwise punish the officer concerned. Appeals under this rule must be lodged with the Secretary of the Sub-Branch to which the member belongs within fourteen (14) days of suspension or punishment.

2. The State Management Committee or any officer may be removed from office by resolution carried on a ballot by three-fourths majority of the members of the Branch, and in the event of any officer or members being removed from office an election must be held within one month of such removal from office in accordance with Rule 19.

RULE 6

BANKING AND EXPENDITURE OF FUNDS:

1. All moneys of the Union in Queensland shall be banked by the State and Sub-Branch Officers in the Commonwealth Bank of Australia, or such other Bank as the S.M.C. may decide.

2. All expenditure from the funds shall be in accordance with the Rules of the Union in Queensland and no expenditure shall be permitted for any purpose contrary to the objects of the Union in Queensland.

RULE 7

AUDIT OF ACCOUNTS:

The account of the S.M.C. and Capital City Sub-Branch shall be audited yearly by a Public Auditor or Accountant. The Accounts of other Sub-Branches shall be audited half-yearly in the manner provided in Rule 12, Clause 17.

RULE 8

REGISTERED OFFICE:

The Registered Office of the Union in Queensland shall be at the Trades Hall, Edward Street, Brisbane.

RULE 9

A register of members in the State shall be kept in the Registered Office in each State.

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

STATE MANAGEMENT COMMITTEE

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

They shall appoint delegates to attend Federal Conference of the Building Workers' Industrial Union of Australia.

Qualification for S.M.C. and Period of Office

2. They shall consist of five members, three to form a quorum. No member of less than three (3) years' continuous membership in the State of Queensland shall be eligible for election to the State Management Committee. They shall be elected and continue in office for a period of three (3) years.

The S.M.C. shall meet in the Trades Hall, Brisbane for the purpose of controlling the Union's business.

Any two members of the State Management Committee may by notice in writing addressed to the President require him to summon a special meeting of the State Management Committee.

3. The State Management Committee shall elect from its members a Branch President. In any election every member of the State Management Committee shall be given an opportunity of voting whether present or not.

Duties—Branch President

The duties of the Branch President shall be as follows:—

(i) The Branch President shall preside at all meetings of the S.M.C., State or Special Conference, and at meetings convened by the State Conference or S.M.C.

(ii) He shall carry out such duties as may be assigned to him from time to time by the S.M.C., and by the State Secretary acting on their behalf.

(iii) He shall conduct the business in accordance with the standing orders and rules of debate.

(iv) He shall, upon the minutes being confirmed, sign the minute book in the presence of the meeting, and he shall have the meeting, by resolution, endorse or reject all accounts submitted for payment.

S.M.C. Executive

4. In the event of the majority of a S.M.C. being resident at such distance from the Office of the S.M.C. as to make weekly or more frequent meetings of the S.M.C. impracticable the three members residing nearest to the Office of the S.M.C. shall form an Executive, two to form a quorum, which shall have such powers as the S.M.C. may decide. The minutes of each Executive Meeting shall be immediately forwarded to each member of the S.M.C. and all Sub-Branches.

Secretary's Term of Office

5. The State Secretary shall be elected and remain in office for a period of three (3) years. He shall also be Secretary of the Capital City Sub-Branch, provided that should the income of the S.M.C. and Capital City Sub-Branch be insufficient to meet expenses, the services of the Secretary may be temporarily dispensed with at the discretion of the S.M.C., provided that when the Brisbane Sub-Branch income exceeds £2,000 they may appoint a Secretary-Organiser.

6. The State Secretary shall not be eligible for election to the State Committee unless he resigns his position as State Secretary.

Delegation Approval

7. No Sub-Branch shall have the power to delegate any member on Union business for any period above one week in any half-year without first obtaining the approval of the State Committee. Any infringement of this Rule by any member or Sub-Branch shall be deemed misconduct, and members or Sub-Branches infringing this Rule may be fined by the S.M.C. any sum not exceeding £10. This Rule shall not affect the Rule allowing 10 per cent. of the Sub-Branch Income to be used for local organising.

Amalgamation

8. Notwithstanding any other Rule of the Amalgamated Society of Carpenters and Joiners of Australia (Queensland Branch), the Queensland State Management Committee shall, whenever a Ballot upon the Amalgamation of Building Trade Unions is carried by a majority of members voting in favour thereof, take all necessary legal and other action to implement the decision of the members.

Interpretation of Rules

9. The S.M.C. shall interpret all Rules requiring interpretation.

State By-laws

10. The S.M.C. shall have the power to frame its own by-laws for the guidance of the Sub-Branches provided always that they do not conflict with the Rules of the Union in Queensland. Such By-laws upon being adopted by a majority vote of the members voting, shall be working Rules within the State, after being registered by the Registrar of Trade Unions.

Legal Proceedings

11. The trustees of the Union after being authorised by the S.M.C. shall be empowered to take legal proceedings for recovery of arrears of contributions and fines, breaches of Awards and recovery of Accident compensation.

12. The State Committee may, provided the funds of the S.M.C. are sufficient to meet the additional expense, appoint one or more Organisers.

13. On receiving from the Sub-Branch Secretary the names and all particulars of any members in arrears, they shall within fourteen days of the meeting of the S.M.C. at which the name is received, place the matter in the hands of their Solicitor for action for recovery.

Control and Suspension of Members

14. They shall exercise general control over the members, and shall have power to fine or expel any member found guilty of violating the trade or any local district Rules, and shall have power to suspend from benefit, for any period, the member who, after investigation by the S.M.C., has been found guilty of acting contrary to the policy of the Union. The S.M.C. shall immediately notify the Sub-Branch to which the member belongs of such suspension.

A fine imposed under this rule shall not exceed £5 and any action taken against a member shall be in accordance with the provisions laid down in Rule 16.

Transfer of Members

15. They shall have power to order the transfer of any member from any Sub-Branch under their jurisdiction, to any Sub-Branch in Queensland, when, in the opinion of the S.M.C., such transfer is necessary for proper industrial control.

16. They shall have power to grant donations from the Contingent Fund when application has been made in accordance with the provisions of Rule 26.

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Aggregate Meetings

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

Sub-Branches of not less than 50 members may be formed at the discretion of the S.M.C., subject to Rule 12, Clause 12, excepting where the interest of any certain industry preclude the establishment of 50 members in the formation of a Sub-Branch.

Delegates' Meeting

18. Whenever it is necessary to obtain the opinion of members in any district with five hundred (500) members and upwards, it may be done by special Summoned Meetings of the Sub-Branches in such district, when delegates shall be elected from each Sub-Branch in proportion to the Sub-Branch membership in accordance with the following scale: Under 100 members, one delegate; 100 and under 250 members, two delegates; 250 and upwards, three delegates; who shall be paid according to Rule 24.

Delegate Convention

19. (a) The S.M.C. shall convene at regular intervals not more than each two years (but at earlier intervals should it be deemed necessary) a State Delegate Convention consisting of delegates elected from Sub-Branches and jobs throughout the State and also comprised of members of the S.M.C. and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates, Sub-Branches and jobs may elect to attend such Convention shall be determined by the S.M.C. from time to time.

(c) Items for the agenda of the State Delegate Convention shall be called for at least two months before Convention assembles, and be in the hands of delegates to Convention at least seven days before Convention commences.

(d) The State Delegate Convention shall from time to time, determine the policy of the Union to be observed by the membership and by the S.M.C.

(e) The State Delegate Convention shall have the power to recommend in the same way as a majority of Sub-Branches may do under the rules that a referendum of the membership be taken on any rule or rules of the union subject always to the directions in such rules.

Special Auditors

20. The S.M.C. may at any time appoint two Auditors to audit the books of any Sub-Branch under their jurisdiction.

Control of Organisers

21. They shall have control over the Organisers, and shall have power to call on the Capital City Sub-Branch Secretary to perform any duty that may arise which does not interfere with his duties as Sub-Branch Secretary.

22. In districts where an Organiser-Secretary has been appointed or elected, he shall be under the control of the Sub-Branch he visits for organising purposes only, for the period allotted them by this District Committee.

23. No fully paid official other than the Secretary shall hold a position on the S.M.C.

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S.M.C. Finance and Contingent Fund

24. The S.M.C. shall have control of the property in their State, and, in addition to the provision of Rule 4, Clause 11, shall draw from each Sub-Branch, Job Stewards and Organisers the total contributions, entrance fees and fines collected.

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

The State Management Committee may disperse monies for the purpose set out in the objects of the Union. The surplus funds or other property of the Sub-Branch shall be vested in the Sub-Branch Trustees and such funds may be invested from time to time in such manner as may be determined by the State Management Committee. No donation exceeding £100 shall be made from the Contingent Fund without the sanction of a majority of the Sub-Branches in Queensland.

Affiliation

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

26. Each S.M.C. when elected to office shall, within the first six months, take a vote of the membership with the object in view of the formation of one Big Union in the Building Industry.

27. District Committees may be formed and shall have local autonomy in such matters as the full State Committee may determine in the form of Working Rules for the district.

Delegating Powers

28. If, for any reason, the S.M.C. consider it desirable that a Sub-Branch should have powers (in any matter) equal to the powers of a S.M.C., they may confer such powers on the S.B.C. of the Sub-Branch, and may revoke such powers when they decide fit.

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

Trustees

30. With the exception of the State Secretary, who shall also act as Treasurer, the S.M.C. shall appoint their own officers. They shall elect four (4) Trustees one of whom shall be the State Secretary (any two with the State Secretary to operate), and a Chairman, who shall have a deliberative vote only.

RULE 11

DUTIES OF SECRETARY OF THE STATE MANAGEMENT COMMITTEE—CONTROLLED BY S.M.C.

1. He shall be under the control of the S.M.C., and shall devote the whole of his working time to the business of the Union provided the S.M.C. income is sufficient to pay the salary provided in Rule 10, Clause 1.

He shall be the registered (State) Officer to sue or be sued on behalf of the Union in his State in regard to any legal matter within the State in which his S.M.C. has jurisdiction.

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He shall keep a correct record of the members in his State and shall, when instructed by the S.M.C., sue for the recovery of arrears of contributions or other moneys due to the Union by the members in his State.

The State Secretary shall keep or cause to be kept proper books of accounts showing the receipts and expenditure of the Branch, and separate accounts of receipts from all Sub-Branches, and also correct records of all monies received or paid on account of any particular fund, and separate accounts of all management expenses and of all contributions on account thereof, as required by the Queensland Trade Union Act of 1915 and amendments thereof.

The State Secretary shall endorse all vouchers for payment certifying to their correctness, and shall prepare a balance sheet in accordance with Rule 11 (2).

The State Secretary shall submit to each meeting of the State Management Committee an interim statement of receipts and payments made up to the end of the week preceding the meeting.

Wages Boards

2. He shall attend to all Wages Board, Arbitration Court, and other legal matters coming within the jurisdiction of the S.M.C. He shall keep all books and documents necessary to a proper working of the office of the S.M.C. He shall prepare a half-yearly report and also a yearly balance sheet showing the income and expenditure for that term, and upon the same being audited and adopted by the S.M.C., he shall send a copy to the Sub-Branches over which the S.M.C. has jurisdiction.

He shall prepare and forward to the Registrar of Trade Unions all returns required by law.

Neglect of Duty

3. Should he fail to carry out his duties to the satisfaction of the S.M.C., he may be dealt with by such committee in the manner prescribed in Rule 5.

Resignation or Removal

4. In the event of his desiring to resign, he shall give at least one month's notice or be fined five pounds (£5). Upon resigning or being removed from office, according to Rule 5, he shall, within seven (7) days, deliver up to whatever person the S.M.C. may appoint, all books, documents and other property of the Union then in his possession. Before the books are handed over to his successor in office they shall be audited.

RULE 12

POWERS AND DUTIES OF SUB-BRANCHES:

1. For the convenience of members, Sub-Branches may be opened in any town in the State. No Sub-Branch shall be opened without the consent of the S.M.C. Each Sub-Branch shall have power to elect its own officers, make its own by-laws (if necessary), with the consent of the S.M.C. and generally to control its own business.

Such By-laws shall not become operative until registered under the provisions of 'The Trade Union Act of 1915'.

When Disbanded

2. In no case shall any Sub-Branch close or disband without the authority of the S.M.C., in which case all cash or other property shall be handed over to the S.M.C.

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Visiting Members

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

Clearances

4. Any member entering a Sub-Branch by clearance shall not have a vote in that Sub-Branch until his clearance has been accepted by such Sub-Branch.

5. No Sub-Branch shall hold its meetings in licensed premises where alcohol is sold.

6. Sub-Branches shall accept a transfer for any member, and issue a transfer for any member who applies for same, subject to the provisions of Rule 15, Clauses 2 and 4, and all arrears of contributions shown on the clearance card sent from a Sub-Branch in one State to a Sub-Branch in another State shall be collected and retained by the Sub-Branch to which the members have been transferred.

7. Each Sub-Branch may obtain a room and a safe and/or steel cabinet and office equipment for the safe keeping of sub-branch property provided the S.M.C. is advised of the cost of such facilities and has approved whatever payment is necessary to secure such facilities.

Interpretation of Rules

8. Should any Rules require interpretation, or be not clearly defined, they shall be sent to the S.M.C. for their decision. All such decisions shall be inserted in the minute book of the Sub-Branch.

Resolutions to S.M.C.

9. Resolutions to the S.M.C. shall be submitted in writing to the S-B.P., and the number of members present, and the numbers of votes for and against such resolution, shall be stated when the resolutions are sent to the S.M.C.

Correspondence Confidential

10. All communications or copies of correspondence from the S.M.C. shall remain the property of the Union and information relating to the same shall not be divulged to any outside body or bodies without first obtaining the sanction of the S.M.C.

Sub-Branches Allowed

11. In all country towns there shall be only one Sub-Branch. Each capital city shall have only one Sub-Branch, and no other Sub-Branch shall operate within a radius of five miles of the meeting place of the City Sub-Branch except with the consent of the S.M.C.

Sub-Branch Officers

12. Sub-Branches shall elect a President, Vice-President and a Secretary, who shall also act as Treasurer. Sub-Branches with a membership of more than 100 shall elect a Money Steward, who shall operate only on Half-year Nights. They shall also elect three (3) Trustees (any two to operate), Doorkeeper, and five (5) Committeemen: Trustees or Doorkeeper may also hold office as Committeemen. The Sub-Branch Secretary shall appoint Sick Stewards as they are required.

13. Any member neglecting the duties for which he is elected, shall, unless a satisfactory apology is furnished, be fined by his Sub-Branch or S.M.C., any amount not exceeding five pounds (£5).

14. Any officer of a Sub-Branch, member of a Committee, or delegate elected by such Sub-Branch, who is absent from three consecutive meetings, shall be deemed to have vacated his seat and the Sub-Branch shall fill the vacancy at the next meeting.

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Meetings: When Held

15. City Sub-Branches shall meet fortnightly to transact business. Suburban and Country Sub-Branches, with the consent of the S.M.C., may vary this Rule to suit their convenience. The time of opening and closing meetings to be at the discretion of each Sub-Branch.

16. The Books of each Sub-Branch, except Capital City Sub-Branches, shall be audited by two auditors. Where Sub-Branches are situated in metropolitan areas, one auditor shall be appointed by the S.M.C., and one shall be elected by the Sub-Branch. In all other Sub-Branches, two auditors shall be elected by the Sub-Branch.

17. Sub-Branches shall have power to strike a levy of not more than £2 for purely local purposes, provided due notice thereof has been given to members and provided that two-thirds of the members voting shall decide in favour of the levy. Voting shall be by ballot of the members of the Sub-Branches concerned.

18. Any member residing within a three miles' radius of the meeting place of the Sub-Branch who fails to attend a Summoned Meeting shall be fined a sum not exceeding 3/-, unless a satisfactory excuse is tendered.

19. The Sub-Branch President and Secretary may and on requisition signed by ten per cent. of the members of the Sub-Branch shall call a special meeting of the Sub-Branch. No business shall be transacted at such a meeting other than the business set out in the requisition or in the notice calling the meeting.

20. Sub-Branch By-laws shall be registered under 'The Trade Union Act of 1915'. The precise location of all meetings at which the business of the Sub-Branch shall be conducted shall be published six months in advance in the notice published half-yearly for that purpose. Copy of each such half-yearly notice shall be filed forthwith with the Trade Union Registrar.

RULE 13

DUTIES OF SUB-BRANCH OFFICERS AND COMMITTEES:

(a) Sub-Branch President

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

Bank Book; Countersign Orders for Payments; Branch Resolutions

2. He shall sign the Sub-Branch minutes of the previous meeting, after they have been confirmed by the Sub-Branch. He shall examine the Sub-Branch bank book each meeting night (when such book is not held by the bank) and report to the Sub-Branch the result of each banking transaction, the record to be inserted in the Minute Book. He shall countersign all orders for payment of money authorised by the Sub-Branch, and all orders for remittances to the S.M.C. when requested to do so by the State Secretary, and for capitation fees due to the S.M.C. under Rule 16, Clause 24. He shall also cause to be recorded in the minute book the number voting for and against all suggestions for alteration of Rules, or resolutions intended for the S.M.C. and the numbers present when the vote is taken.

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(b) Sub-Branch Secretary

Correspondence; Keep Account of Income and Expenditure; Clearances

1. The Sub-Branch Secretary shall attend all meetings of the Sub-Branch or Committee. He shall conduct all correspondence and take the minutes of Committee meetings. He shall be responsible for the collecting of contributions, fines, and other money due to the Union by members of his Sub-Branch. He shall keep a clear and correct account of all receipts and expenditure in connection with the Sub-Branch. He shall register carefully the name, age and residence of every member, and shall, within one month, forward to the State Secretary, correctly filled in registration cards for all members admitted into the Sub-Branch, and also transfer cards for all members leaving the Sub-Branch. He shall also notify the State Secretary of all resignations and deaths.

Balance Sheets

2. He shall prepare, in duplicate, a half-yearly balance sheet and report, setting out all income and expenditure incurred during the period covered by such balance sheet, one copy to be forwarded to the State M.C. within seven days after the half-yearly meeting. He shall close his books immediately after the first meeting night in June and December and the contributions for the next ensuing half-year shall be due and payable on the second meeting in the months of March and September. He shall give every facility to the Auditors to examine all books and papers in connection with the Sub-Branch. He shall read out to the Sub-Branch a fortnightly cash account. He shall be the custodian of the official stamp of the Sub-Branch, and be ex-officio member of all sub-committees, but shall not have a vote on any matter in which he is personally or finacially interested.

Half-Yearly Summons

3. He shall supply all necessary advice to the State Office to enable it to advise the Sub-Branch members of the time, place and date of the half-year meeting, which shall be in March and September of each year and the second meeting of the month where fortnightly meetings are held and the State Secretary shall forthwith notify all Sub-Branch members thereof. He shall supply all details to the State Office to enable it to advise members in arrears. Special meetings of the Sub-Branch may be called as decided by the Sub-Branch. He shall perform all clerical and other duties appertaining to the position of the Secretary.

All Sub-Branch meetings called in accordance with this sub-clause shall be held at the place fixed by Rule 12 (20) for conduct of the business of the Sub-Branch.

Suspended Members

4. Members who owe one year's contributions shall be regarded as having broken their membership which shall be suspended. The State Office shall be advised regarding such members . They shall not be included in returns of membership or recognised when computing the number of members in the Sub-Branch.

5. He shall accept all clearances (that are permitted) from other Unions, also transfers from other Sub-Branches or other States, and shall issue transfers for any members applying for same. He shall also transfer all members who do not comply with Rule 15, Clause 2. to the Sub-Branches nearest to which they reside.

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

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Pay Benefits

6. He shall pay all benefits according to Rules 22 and 23, and he may be made to refund all expenditure that is made contrary to the provisions of these Rules. All dues to S.M.C. to be paid within four weeks of the closing of the books at the end of the half-year.

Monthly Report

7. He shall, within one month of the closing of the half-yearly accounts, forward to the S.M.C. the contributions due under Rule 10, Clause 24. He shall also forward at the same time to the S.M.C. the amount deducted from members' contributions for the Contingent Fund.

Resignation or Removal

8. In the event of resigning he shall give one month's notice, or be fined 10/-, except in the case of illness or removal from the town. On his resignation or being removed from office, or on demand of the S.M.C., or whomsoever they may authorise, he shall, within seven days, deliver up all books, documents and property of the said Sub-Branch to the S.M.C. or Trustee. Before the books are handed over to his successor in office they shall be audited.

Neglect of Duty

9. Should he fail to carry out any of his duties to the satisfaction of the Sub-Branch, it shall, upon the matter being reported, refer it to the Sub-Branch Committee, who shall investigate it and report to a subsequent meeting, which shall have power to deal with him according to the provisions of Rule 12, Clause 14.

(c) Vice-President

He shall record the minutes of all Sub-Branch and special meetings and shall preside over meetings in the absence of the Sub-Branch President.

(d) Doorkeeper

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

(e) Sub-Branch Trustees

1. Three Trustees shall be appointed, any two to operate, who shall be elected annually, and in whose joint names shall be banked the funds of the Sub-Branch. They shall sign cheques for such sums as the Sub-Branch may vote. All cheques to be counter-signed by the Secretary. Should a vacancy arise from any cause whatever, such vacancy shall be filled at the next Summoned Meeting of the Sub-Branch.

2. The trustees shall have all powers and immunities conferred on such Trustees by Trade Union Acts.

(f) Sub-Branch Auditors

Auditors shall be appointed at the meeting preceding the half-yearly one, in accordance with Rule 12, Clause 17, to examine all books, documents, etc., relating to the financial affairs of the Sub-Branch during the six months, and to submit and report same at the half-yearly meeting.

(g) Sub-Branch Committee

There shall be a Committee of five for general purposes in every Sub-Branch, who shall meet when required on being summoned by the Sub-Branch Secretary, three to form a quorum. The President,

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and Secretary of the Sub-Branch shall be ex-officio members of the Sub-Branch Committee. The President shall have a casting vote only, and the Secretary shall have no vote. The minutes of the proceedings shall be signed by the Chairman at the close of each meeting, and submitted to the next Sub-Branch Meeting for confirmation or otherwise. If necessary they shall examine and determine claims for lost tools. In the event of a member being charged with acting contrary to the policy of the Union the Sub-Branch Committee shall have power to refuse payment of any benefit to such member until the charge has been investigated by the S.M.C. and its decision conveyed to the Sub-Branch. They shall hear and decide all cases of appeal from a member against an officer of the Sub-Branch. In the case of isolated Sub-Branches, the S.M.C. shall have power to confer on Sub-Branches the power of an M.C. Any member of a Sub-Branch Committee who is absent from three consecutive meeting shall be deemed to have vacated his seat, and the Sub-Branch shall fill the vacancy at the next meeting. The Committee shall meet at least once per half-year for the purpose of drawing up an Agenda and making a report of the half-year's work for the half-yearly meeting of the Sub-Branch.

(h) Sick Stewards

Sick Stewards shall, when instructed by the S-B.S. visit any member who is sick or who has met with an accident, and report to the next Sub-Branch meeting.

(i) Returning Officers and Scrutineers

1. The Sub-Branch Returning Officer shall be responsible for the conduct of Sub-Branch elections. He shall procure all ballot papers, initial same, and issue to the member entitled to vote. He shall, if necessary, have a casting as well as a primary vote.

2. All ballot papers must be returned by 9 p.m. on meeting night and counted as soon as possible in the presence of two scrutineers. The result to be declared immediately count is complete.

3. Scrutineers shall attend all meetings at which elections are being conducted, and assist the S.-B.R.O. in all matters connected with the elections.

(j) Money Stewards

The Money Stewards shall attend the Sub-Branch meetings punctually at the time of commencing of business, and shall take money and issue receipts to members.

RULE 14

ELECTION OF SUB-BRANCH OFFICERS:

1. The election of all Sub-Branch Officers shall be held on the yearly meeting nights in March, which shall be by ballot of all members present at the meeting; no distinguishing figure or mark to be on ballot papers, same to be initialled by the Returning Officer.

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

3. Candidates for office shall be financial members of 12 months' standing in the State and shall be proposed and seconded by two financial members. Nomination shall be accepted on the meeting night prior to the date of election; failing nominations for any office on the night prior to the elections, nominations for such office may be accepted at the meeting on the night of election. All candidates shall give consent in writing or be present at the meeting when nominated. Nothing in this Rule shall apply to fully paid officers.

RULE 15

DUTIES OF MEMBERS:

1. No member shall call on or write to any S.-B.S. at the works where he is employed.

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

3. Members changing their residence and not informing the S.-B.S. in writing within three months of such change of address, unless a satisfactory reason is given, shall be fined not more than 2/6.

Qualification to Hold Office

4. No member, who is not a carpenter and/or joiner or machinist, and bona fide and actual employee in the trade, shall be eligible to hold any position in connection with this Union; but this condition shall not apply to any member or officer who is directly employed by this Union.

5. Members claiming benefit under Rule 22 shall attend the Sub-Branch meeting at which the claim is being considered unless reasonable excuse is forwarded.

RULE 16

MISCONDUCT OF MEMBERS:

(a) Any member violating any registered rule or by-law of the Union may be fined a sum not exceeding £2 by the Sub-Branch. Should, however, the matter be referred to the State Management Committee, they shall have power to fine the member an amount not exceeding £5, expel him from membership or suspend him from benefit for a period of not more than six months for such an offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the rule of the Presiding Officer, may be fined a sum not exceeding 20/- and should he persist, the Presiding Officer shall have power to call on the members to expel him from such meeting until such time as the fine is paid and an apology is tendered for such conduct.

(c) A member shall not take any grievance in which he is personally concerned to any person or persons outside the Union prior to the case being dealt with by the responsible body, in accordance with these Rules.

(d) It shall be competent for the State Management Committee to inflict a fine not exceeding £2, suspend from benefit, or expel any member from the Union upon satisfactory proof being given that such member has refused to comply with their decision, or acting contrary to the interests of the Union, or who has by his conduct brought the Union into discredit, or has wilfully violated the recognised trade rules of the district in which he is working.

(e) Charges under these Rules shall be made in writing within one month of the discovery of the incident to which it refers, to the Sub-Branch or State Management Committee. The member so charged shall be summoned to attend a meeting of Sub-Branch Committee or State Executive, or State Management Committee, by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be sufficient if posted to his last known place of abode not less than five days before the date of such meeting. At the appointed time and place the charge shall be investigated, either by the Sub-Branch or State Executive or State Management Committee, whether or not the member shall be in attendance. The decision

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of the Sub-Branch or Executive shall be binding on the member, subject to the right of appeal to the State Management Committee whose decision shall be final in all matters whether by appeal or otherwise. All meetings, in accordance with this subclause, shall be held at the place, fixed by the Registered Rules for the conduct of the business of the Branch or Sub-Branch.

(f) Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with by the State Management Committee provided that the maximum fine that may be imposed shall not exceed £5.

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

(h) No member, or members conjointly, shall issue any circular to the members of Sub-Branches on any matter without the consent of the S.M.C. Inter-communication between Sub-Branches shall be allowed on all matters in relation to the Union, provided a copy is submitted to the S.M.C. 14 days before the matter is sent.

RULE 17

PAYMENT AND RECOVERY OF FINES:

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

RULE 18

APPEALS OF MEMBERS AND SUB-BRANCHES AND S.M.C.:

Right of Appeal

1. Any member finding himself aggrieved against the actions or decisions of the officers or members of the Union may, in the case of any grievance, appeal to his Sub-Branch for redress, and, if still aggrieved, he may further appeal through his Sub-Branch to the S.M.C. within one month, whose decision shall be final and such decision must be conveyed to those concerned.

Not to Furnish Other Evidence

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

3. In no case shall an appeal be withheld by a S.M.C. or Sub-Branch, but all appeals shall be sent through Sub-Branches.

When Not Considered

4. The S.M.C. shall not consider any appeal from any member whose total dues to the Union amount to twelve months' contributions or more.

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

Sub-Branch Appeals

6. Should any Sub-Branch give notice of appeal against the decision of the S.M.C., closing or suspending the said Sub-Branch, the decision shall not take effect until such appeal has been decided by the S.M.C.

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RULE 19

ELECTION OF STATE SECRETARY, S.M.C. MEMBERS AND ORGANISERS:

(1) Any member of the Branch who is financial and has at the time of nomination not less than three year's continuous membership may nominate for any of the positions named at the head of this Rule.

(2) The term of office for the above positions shall be three years.

(3) Nominations, which must be in writing, signed by the Candidate and endorsed by two financial members, shall be in the hands of the Branch Returning Officer, not later than the last day in September following the calling of nominations.

(4) Nominations for the various offices falling vacant shall be called by the Branch Returning Officer on or before the last day of August in every third year, commencing on and from August 1954, notice of which nominations shall appear in the Queensland "Building Workers Journal" posted to each member 28 days before closing date.

All Sub-Branches shall be notified by circular of the closure date for nominations for the election of officers named at the head of this rule and such Sub-Branches shall be supplied with nomination forms twenty eight days before the closing date for such nominations.

(5) If only sufficient nominations are received to fill any vacancy, the Returning Officer shall thereupon declare the person so nominating elected.

(6) If more nominations than there are vacancies are received, the Returning Officer shall arrange for the names to be drawn in a Ballot in the presence of the State Management Committee and such names shall be placed on the Ballot Paper in the order in which they are so drawn.

(7) The State Secretary shall provide the Returning Officer with a certified list of members entitled to vote in the election not later than ten days after the closing of nominations. Such lists shall be available at the Union Office for perusal by any Scrutineers or Members entitled to vote at the said election. Notice of the availability of the list shall be published in the Daily Press on the day it becomes available.

(8) The Returning Officer shall post to each Member entitled to vote, i.e., financial in terms of Rule 4, Clause 8, a Ballot Paper properly initialled, together with printed Business Reply Envelopes for return of same not later than the last day in October, after the closing date of Nomination.

(9) All Ballot Papers shall be posted by the Member voting in time for same to reach the Returning Officer not later than the fourteenth day of November following despatch of Ballot Papers.

(10) Any candidate for any of the above positions may prepare a Statement not exceeding 400 words, setting out his views for submission to the members, and such Statement shall be delivered or forwarded to the State Management Committee when forwarding Nomination.

(11) The State Management Committee shall issue instructions for the printing of all Statements submitted by candidates in time to allow same to be included with Ballot Papers when despatched by the Returning Officer.

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(12) All Ballot Papers shall be returned to the Returning Officer, c/o the Post Office Box named on the Business Reply Envelope. The Post Office Box to which the Ballot Papers are to be returned shall be hired by the Returning Officer prior to the despatch of Ballot Papers or if the Box has been previously hired, he shall cause the lock to be changed.

The key to such Box shall be picked up by the Returning Officer at a time, reasonable notice of which has been given to the Scrutineers, and deposited with the Bank at which the Branch Account is held.

The Returning Officer shall each day, at a time reasonable notice of which has been given to the Scrutineers pick up the key to the Post Office Box from the Bank in which it is deposited, collect the returned Ballot Papers from the Post Office Box and deposit them in the Ballot Box. Such Ballot Box shall be kept at the Bank at which the Branch Account is held for the time being, and shall prior to the commencement of the ballot, be held by the Returning Officer and may be sealed by any Scrutineer. After placing the Ballot Papers in the Box, the key to the Post Office Box shall be deposited at the Bank. The Ballot Box shall be picked up by the Returning Officer at a time, reasonable notice of which has been given to the Scrutineers and taken to the Union's rooms and be opened in the presence of Scrutineers and the count shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the Ballot Box, to which any seals may be affixed by a Scrutineer.

(13) The Returning Officer shall proceed to count the ballot on the preferential system, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the Ballot shall be completed not later than the first day of December following the closing of the Ballot.

(14) In the case of an equality of votes for any two or more candidates, the Returning Officer shall determinate by casting his vote which of the candidates is elected.

(15) Two Scrutineers who are not candidates shall be elected by the State Management Committee not later than the last day in November to assist the Returning Officer in the conduct of the Ballot.

(16) The Returning Officer shall notify the State Management Committee of the result of the Ballot and the State Management Committee shall issue instructions for the publication of same in their minutes and the "Building Workers' Journal" and/or "Building Worker." He shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area.

(17) The successful candidates shall take up their respective duties not later than the first day of January following the conclusion of the Ballot and shall remain elected until their successors take up office.

A successful candidate who fails to take up his position on or before the above date shall, unless a reasonable cause to the satisfaction of the State Management Committee be shown, be deemed to have resigned, and shall not be eligible to nominate for any office for a period of four years.

(18) Should a vacancy occur in any of the above mentioned offices, the State Management Committee shall fill the position within one month if the term remaining is not more than twelve months. If the term remaining is more than twelve months, an election shall be held in accordance with these Rules to fill the vacancy.

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(19) Any candidate may appoint a Scrutineer who shall be entitled at the expense of the candidate to be present at any stage of the Ballot.

(20) Any accidental or unavoidable omission or error in the carrying out or observance of this Rule shall not invalidate an election unless such omission or error is shown to have affected the result of an election.

(21) In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the Ballot.

RULE 20

ORGANISERS:

1. One or more Organisers may be appointed in the State for the purpose of organisation, the same to be under the control of the S.M.C., and they shall attend S.M.C. meetings when required. No member may be nominated for the position of Organiser who has been in the Union for less than three (3) years continuously. They shall be nominated and elected by the members under the jurisdiction of the State M.C.

When District Organisers are to be elected they may be nominated by any Sub-Branch within the State in which the district is situated, but shall be elected by the members of the Sub-Branches within the district in which the District Organiser is to operate.

State Organisers may be elected and remain in office for a period of three years, provided that if the funds are insufficient to meet the half-yearly expenditure, their services may be temporarily dispensed with at the discretion of the S.M.C.

The S.M.C. may appoint Temporary Organisers for a period not exceeding six (6) months; the duties of Organisers to be determined by the S.M.C.

2. Any Sub-Branch may, subject to the consent of the S.M.C., appoint a local Organiser for a period of not exceeding six months. An amount equal to 10 per cent of the previous half-year's income may be used for this purpose. This amount may be subsidised by the S.M.C. on application by the Sub-Branch.

RULE 21

SHOP STEWARDS:

For the convenience of members, Shop or Job Stewards may be appointed by Sub-Branches within the district under their control.

Should any Shop or Job Steward be victimised, or be reasonably supposed to be victimised, from carrying out any duties to the Union, the S.M.C. shall take all necessary steps to see that the member is compensated for any loss he may incur.

RULE 22

TOOL BENEFIT:

1. All members who have been in the Union for twelve (12) months and are financial at the time of such loss, shall be entitled to compensation for tools lost by fire, theft, or in any other way that, in the opinion of the Sub-Branch Committee, will entitle them to benefit, to the amount of twenty pounds (£20) in any one claim, but no claim for Tool Benefit shall be entertained if it be under twenty-five shillings (25/-).

2. The maximum amount payable to any member for Tool Benefit shall not exceed twenty pounds (£20) in any period of 12 months.

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Not Paid in Money

3. No tool claim shall be paid in money, although it shall not be imperative for any Sub-Branch to supply members with similar tools to those which have been lost, provided that the value of the tools supplied does not exceed the amount required in order to replace the lost tools. If the lost tools are recovered, the new ones shall be returned to the Sub-Branch to be disposed of at the discretion of the Sub-Branch.

Reporting Loss

4. Members claiming shall report the loss at the police station nearest to the job, and shall obtain the signature of the police officers on a form provided by the Branch Secretary as an acknowledgement of such report. A properly priced list shall be lodged with the Sub-Branch Secretary within seven days accompanied by a statutory declaration signed by a Justice of the Peace. The Sub-Branch Secretary shall ascertain from the police whether such loss has been reported.

Name Stamp

5. Members claiming this benefit shall produce their name stamp in one piece, or its impress, and affirm in writing that the tools are duly stamped with the same. Such name stamp shall consist of claimant's surname, and at least one initial. In the case of tools composed entirely of steel or iron, the member must affirm that the tools bore his private mark by which identification is possible, provided that at all times the Sub-Branch Committee, with the instruction of the Sub-Branch, may determine when the question of the possession of a name stamp shall not prevent the payment of a tool claim.

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Tool Benefit—Registration of Name Stamp

6. All tool claims shall be subject to revision by the State Management Committee where deemed necessary, and any claimant for such benefit shall first of all have his name stamp registered with the S.M.C.; such to be done through his Sub-Branch.

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Loss By Enemy Action

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7. Nothing in this Rule shall render the Union liable to compensate any person for loss of any tools by him as a result of enemy or belligerent action.

RULE 23

FUNERAL ALLOWANCE

1. The Union shall pay out of its funds a funeral allowance to the representatives of deceased members who have been members for a period of twelve months. On the death of a member who does not owe more than one half-year's contributions, a sum of money in accordance with the appended scale of funeral allowances shall be paid to his widow, next of kin, or nominee, or whomsoever may, in the opinion of the Union, prove to have an equitable claim to it, provided that at the time of such member joining the Union he was not over fifty (50) years of age. Provided, however, that this provision shall not apply to any member who joined the Union prior to its amalgamation. In the event of a member dying, and there being no widow, next of kin, or nominee discovered to whom the Union may deem it just to pay the funeral allowance, the Union shall defray the cost of decent interment of the remains of such a member, and should the circumstances of such a case induce the Union to inter the remains and a claimant to the funeral allowance afterwards arise and prove his or her claim, the Union shall deduct from the amount of such claim, all the expenses it may have been put to on account of the interment, and pay the balance, if any, to the claimant.

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Sub-Branch Returning Officers:- A delegate fee of 5/- is paid when called upon to conduct a ballot at a meeting of the Sub-Branch.

Job Stewards are paid 5 per cent of contributions and entrance fees collected.

Sub-Branch Secretaries are paid an Honorarium each half year - such amounts to be not less than that received in 1957.

With best wishes,

Yours fraternally,

.....
STATE SECRETARY

BUILDING WORKERS' INDUSTRIAL UNION OF AUSTRALIA

(QUEENSLAND BRANCH)

Amalgamated Society of Carpenters & Joiners of Australia
(Queensland Branch)

G. M. DAWSON,
State Secretary.

GMD:VM

First Floor, Trades Hall, Brisbane
'Phone—B 5500, B 5541.
Secretary's Residence: XU 2817

30th September 1958

CIRCULAR SUB-BRANCHES

Dear Sir and Bro.,

re: Delegates' Fees

It appears that some Sub-Branches have forgotten to properly record the decision of our 1958 State Delegate Convention upon the payment of delegate fees. The delegate fees are as follows, plus fares where fares are paid:-

Sub-Branch President:- 5/- per meeting including when presiding at Committee meetings. However, where Sub-Branch Committee meetings are held on the same night as the Sub-Branch meeting only the ONE delegate fee and fares are paid.

Vice- President:- 5/- per meeting only when taking minutes at meetings of the Sub-Branch. The Sub-Branch Secretary takes the minutes at Committee meetings.

Sub-Branch Committee:- 5/- per meeting of the Committee which includes the President and Secretary.

Money Stewards:- shall operate on half year nights only and where the Sub-Branch voluntarily provides facilities for collecting dues on Saturday mornings the money steward is paid a delegation fee of 10/- for this delegation.

Sick Steward:- 5/- per visit provided such visits are made under direction of the Sub-Branch Committee or officers.

Doorkeeper:- at Sub-Branch meeting only 5/- per meeting night.

Local Delegation:- Any member delegated on union business i.e. to attend a meeting of the Trades and Labour Council, or one of its Committees, Building Trades Group, or one of its Committees, Australian Labour Party - Queensland Central Executive, Australian Labour Day Celebrations Committee, or any organisation of which the Union sees fir to have a delegate attend shall be paid for all time lost plus 10/- per day expense, should the meeting necessitate attendance during ordinary working hours. For night meetings to any of the foregoing a delegation fee of 5/- shall be paid and any fares incurred. Delegates will be required to report on their attendance.

However, where a member is a delegate to any authorised meeting or Committee where a fee is paid by other than the union, no delegate fee is paid.

Committee meetings on jobs held during working hours, lunch periods, or rest pauses, are not covered by payment of any delegation fee.

A delegation fee or expenses are not paid to cover any meeting to which the member or delegate has not been properly authorised to attend.

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2. Scale of Funeral Allowances:—On the death of a financial member who has been a member of the Union for twelve (12) months, the funeral allowance shall be one pound (£1), and shall increase at the rate of one pound (£1) per annum, the maximum to be twenty pounds (£20).

RULE 24

SALARIES OF OFFICERS

The State Management Committee shall from time to time set down a scale of payments for Sub-Branch Secretaries, Sub-Branch Presidents, Vice-Presidents, Delegates, Money Stewards, Sick Stewards, Sub-Branch Committees, Returning Officers and Deputy Returning Officers, Scrutineers, and clerical assistance, provided that when such scale is determined, it shall be registered under the Trade Union Act and the Industrial Conciliation and Arbitration Act as part of the Rules of the Union.

RULE 25

OFFICERS' HOLIDAYS:

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

RULE 26

CONTINGENT FUND:

Banked by S.M.C.

1. All money collected for the Contingent Fund shall be forwarded by the Sub-Branch Secretaries to the S.M.C. each half-year, at the same time as the dues, under Rule 10, Clause 24, are remitted, and shall be banked by the S.M.C. in the name of the Union in a separate account.

How Used

2. The Contingent Fund shall be used for the purpose of relieving cases of distress amongst members that are recommended by the Sub-Branches to and approved of, by the S.M.C. It may be used for assisting our own or any other trade.

Applications to S.M.C.

3. All applications for donations to members shall be on a schedule provided by the Union, and no donation shall be made unless such schedule is filled in by the Sub-Branch Secretary and approved by the S.M.C.

4. Requests for donations for purposes other than the relief of members shall be forwarded to the S.M.C., and shall contain full particulars of the purpose of the proposed donation.

Qualifications for Assistance

5. No member who has been less than three months in the Union shall be eligible for assistance from this fund, but in no case shall this fund be used for the payment of benefit to which a member is otherwise dis-entitled.

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RULE 27

APPRENTICES:

1. Candidates for this section must be proposed in the Sub-Branch meeting by adult members of the Union; they shall pay the usual entrance fee; they must have worked at the trade twelve (12) months, and be not less than sixteen (16) years of age.

Tool Benefit

2. Members of this section who have been in the Union twelve (12) months and are financial, shall be entitled to compensation for tools lost by fire or theft, or other ways that in the opinion of the Sub-Branch Committee entitle the member to benefit, to an amount equal to half that allowed to members of the General Section. No claim to be entertained if it is under five shillings (5/-).

The conditions relating to Tool Benefit in Rule 22 shall be complied with. They shall have the same privileges as other members.

Transfer to Full Membership

3. On attaining the age of 21 years or on the completion of their apprenticeship, they shall be transferred to full membership.

RULE 28

ALTERATION TO RULES:

Before alterations, amendments or additions to rules are dealt with by the S.M.C., Sub-Branches shall be requested to forward alterations, amendments, or additions to rules two months prior to the S.M.C. meeting convened to deal with such proposals and amendments, etc. Rules shall be submitted to a referendum of the whole of the members of the State by ballot.

RULE 29

REFERENDUM:

Upon request of a majority of Sub-Branches comprising a majority of the membership requesting a referendum upon any matter, the S.M.C. shall immediately take a referendum of the whole membership and should any such referendum be carried by a majority of members voting by ballot, the same shall be binding upon members of the Branch.

RULE 30

DISSOLUTION:

1. Whenever the number of members in this Union is reduced to twenty-one (21) by deaths or exclusions, a majority of the remaining members may, at meeting assembled at the Registered Office, finally dissolve the Union; subject to discharging all debts and liabilities legally incurred in the Union's name providing that when the amalgamation of Building Trade Unions is accomplished all funds and assets shall become the property of the Union formed by our amalgamation.

RULE 31

STANDING ORDERS AND RULES OF DEBATE

Call to Speak

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

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

Motions

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

Amendment

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

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

Question Be Now Put

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

Speak Only Once

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

Time Limit

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

Reply

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

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

President's Right to Speak

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

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Limit to Debate

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

Notice of Motion

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

Motion to Adjourn

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

Moving Dissent From Chairman's Ruling

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

How Put

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

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

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

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

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

"THE TRADE UNION ACT OF 1915"

Certificate of Registration of Complete Alteration of Rules

Trade Union—Amalgamated Society of Carpenters and Joiners of Australia (Queensland Branch). Registered No. 62.

I HEREBY CERTIFY that the set of rules, copy whereof is appended hereto, has been registered under "The Trade Union Act of 1915" in substitution for the set of rules already registered for the Amalgamated Society of Carpenters and Joiners of Australia (Queensland Branch) Trade Union this twenty-first day of June, 1957.

(Signed) T. J. METCALF,
Acting Registrar of Trade Unions.

00169

Registrars' Office,
Industrial Court,
Brisbane, 25th June, 1957.

The State Secretary,
Amalgamated Society of Carpenters and
Joiners of Australasia, Union of Employees, Queensland.
Trades Hall,
BRISBANE.

Dear Sir,

As required by Sub-Section (7) of Section 28 of
trial Conciliation and Arbitration Acts 1932 to 1955",
fied myself that the proposed alterations to the
Amalgamated Society of Carpenters and Joiners
Union of Employees, Queensland, forwarded under
letter of 18th instant are not in conflict with the
with any Order or Award and I have accordingly registe

Yours faithfully,

(Signed) J. DAVIES,
Industrial Registrar

00170

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• RULES

Building Workers' Industrial Union of Australia

Queensland Branch

...TED SOCIETY OF CARPENTERS & JOINERS OF AUSTRALIA

Queensland Branch

00171

The Rules herein were registered under the Trade Union Act of 1915 on June 21, 1957 and in the Industrial Court under the Industrial Conciliation and Arbitration Acts on June 25, 1957 and they are operative from and including those dates.

00172

BUILDING WORKERS' INDUSTRIAL UNION OF AUSTRALIA

(Queensland Branch)

Amalgamated Society of Carpenters and Joiners of Australia — Queensland Branch

★

- State Management Committee: L. Randall (President), L. Clark, F. Dawson, C. O. Buller, D. Clements.
- State Secretary: G. M. Dawson.
- State Organisers: A. T. Nicol, L. K. McMillan, J. R. Petersen, K. Loughlin, H. F. Newton.

★

The Rules herein were registered under the Trade Union Act of 1915 on June 21, 1957 and the Industrial Conciliation and Arbitration Acts 1932–1956 on June 25, 1957. This Rule Book printed in January, 1958 supercedes all previous Rule Books.

00173

THIS IS THE ORDER OF BUSINESS AT YOUR UNION'S MEETINGS

- President declares the meeting open for business.
- Minutes of previous meeting are read and adopted.
- New members are admitted.
- Minutes of the Sub-branch Committee are read.
- Correspondence read and discussed.
- Auditor's Report.
- Reports of Delegates.
- Secretary's Cash Account.
- Election of branch and other officers.
- Adjourned business — New business.
- Adjournment.

★

Address to be delivered by Sub-branch President to members on admission

"I have the pleasure to inform you that you have been admitted a member of the Building Workers' Industrial Union of Australia, Amalgamated Society of Carpenters and Joiners of Australia. Now that you have joined with us I trust that you will use your best endeavours to advance the interests of the industry you are engaged in, and may you long be spared to be a useful and militant member of this Society, with honour to yourself and justice to your fellow workers. Brother, I welcome you."

00174

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00176

Amalgamated Society of Carpenters and Joiners of Australia

(Queensland Branch)

RULES

RULE 1

NAME AND CONSTITUTION:

(1) "This Union shall be called the Amalgamated Society of Carpenters and Joiners of Australia, Queensland Branch, and shall consist of an unlimited number of persons whether Male or Female employed or usually employed as carpenters or joiners, including ship carpenters or joiners, together with officials of the Union."

(2) The seal of the Union shall be oval in shape inscribed in the outer edge the words "Amalgamated Society of Carpenters and Joiners of Australia" and it shall have on the inner space the words "Queensland State Management Committee."

RULE 2

OBJECTS:

The objects of the Union shall be as follows, viz:—

Funds: How Raised.

1. To raise funds by entrance fees, contributions and fines, from all members in the sub-branches of the Union, also by interest on capital.

The funds so acquired shall be used for the purposes set out in the registered rules of the Union.

Political Action, etc.

2. To improve the social and economic position of its members by industrial, political and independent working class educational actions or other constitutional means, provided in the rules of the Organisation.

Acquire Lands.

3. To provide for the acquisition of land or buildings for the Union's purposes; to assist in the establishment of any Union co-operative enterprise, or Building Trade Guild which may be decided upon by a two-thirds majority of financial members voting by ballot in the State.

Amalgamation.

4. To take all necessary steps to secure the federation or amalgamation of Unions whose members are engaged in the building industry into one Building Trade Union in the State by a majority of members voting in the State.

Legal Assistance.

5. To render legal and other assistance to members for the recovery of wages or compensation for injuries and to protect the interest of the trade.

Also to assist other trades by any legal methods subject to a majority vote of the members in the State.

6. To pay a funeral donation, and to compensate members as may be provided for under State Rules.

Information Bureau.

7. To further any scheme which has for its object the establishment of Labour Research and Information Bureaux in the State.

00177

RULE 3

ENTRANCE FEE:

1. The Entrance Fee shall be 20/- or any other sum, as the Sub-Branch or State Management Committee may decide, but not more than 40/-.

MEMBERSHIP:

2. Application for membership shall be on the form provided, signed by the applicant and two financial members of the Sub-Branch, who shall first satisfy themselves that the applicant is a fit and proper person to enter the Union.

All applicants for membership in the Union if residing within a three mile radius of the Sub-Branch where they apply, must, unless a satisfactory reason is given attend the Meeting at which their application is considered.

3. All applications for membership shall be lodged together with the amount of Entrance Fee with the Sub-Branch Secretary, or such other person authorised by the S.M.C. Applications for membership shall be dealt with by the Sub-Branch or the S.M.C., who shall, if satisfied with the bona fides and Trade Qualifications of the Applicant, admit him to membership of the Sub-Branch as from the date of the Receipt of his application form by the Sub-Branch Secretary, or other duly authorised person.

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

5. Applicants for membership shall be qualified workmen of good character and shall, when admitted to membership, enjoy all advantages of Membership so long as they comply with the registered Rules of the Union.

6. Any applicant who is a fully-paid up member of another Union, and who had previously been transferred from this Union to another Union, may be re-admitted on Clearance without Entrance Fee.

Any member entering this Union on Clearance from another Union, shall qualify for Benefits according to Rules.

7. Applicants shall, if possible, attend the next meeting of the Sub-Branch to which he makes application. Failure to attend shall not necessarily exempt the Candidate from election to membership.

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

9. All members shall be supplied with a copy of the Rules free of charge, but any member requiring a second copy shall be charged threepence (3d.).

RULE 4

CONTRIBUTIONS

1. Contributions shall be 40/- per half-year, payable in advance, part of such Contributions shall be used for the payment of producing Union Journals, and of posting same to the address of each financial member.

One shilling of each 40/- Contributions shall be retained by each Sub-Branch as a Benefit Fund, which shall be governed by uniform Rules drawn up by the State Management Committee, and each Fund shall be subject to audit and a copy of the Statement of Annual Receipts and Expenditure forwarded to the State Office.

One shilling shall be paid into the Contingent Fund, and used for the purposes, and in the manner laid down in Rule 26.

00178

Apprentices' Contributions and Entrance Fee.

2. Contributions by apprentices shall be two shillings and sixpence (2/6) entrance fee, and three shillings and sixpence (3/6) per half year for the first three years of apprenticeship, ten shillings (10/-) per half year for the fourth year of apprenticeship and fifteen shillings (15/-) per half year for the fifth year of apprenticeship.

Exemption from Contributions.

3. Branch Committees may grant exemption from Contributions to members who have been unemployed for more than Eighteen Weeks during any half year. Application for exemption must be made on prescribed form and proof of unemployment submitted with each application.

Aged and Infirm Members

4. All members over 65 years of age or who have had 25 years' continuous membership in the Union, who through physical infirmities, are unable to work continuously at the trade, may retain membership by paying 2/- per half year in advance, for which they shall be entitled to receive funeral benefit only, provided that this does not apply to members who are over 55 years of age when joining the Union. Members wishing to be placed under this Rule shall make application to the Sub-Branch Secretary.

When Unfinancial

5. Any member who fails to pay his contributions in advance on or before half-year night shall be deemed unfinancial. He shall not be entitled to any benefit, but 14 days' grace may be allowed.

Suspension of Benefits

Any member owing a half-year's contributions or more shall be suspended from Tool Benefit for two weeks from the date on which he makes himself financial.

Entrance Between Half-Year Nights.

6. Any member joining the Union between recognised half-year nights shall pay his contributions for the current half-year, and any amount paid in excess of the proportion due for the current half-year shall be credited to the member's next half-year's contribution.

Recovery of Arrears.

7. If any member allows his arrears to amount to two half-years' contributions, due notice shall be sent to his last known address, and the Sub-Branch Secretary shall take the necessary steps for the recovery of such arrears by legal process. All costs incurred in the recovery or attempted recovery of arrears of contributions shall be charged to the member concerned in addition to his arrears of contributions.

Resignation.

8. A member may resign his membership:
   (a) If he accepts employment in an industry other than that represented by the Organisation or
   (b) On giving to the Sub-Branch Secretary three months notice and the payment of all dues to the date of his resignation.

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

10. Any member joining an Employers Association or the staff of an Employer, and being employed on work other than that of a leading hand or Foreman, shall at once have his name removed from the membership list. Failure to give notice to the Sub-Branch Secretary within four weeks of accepting such employment shall render the member liable to a Fine not exceeding Five Pounds (£5).

00179

Funds the Property of the Members Generally.

11. All moneys subscribed by the members shall be the property of the Union in Queensland, and not of the Sub-Branches to which the members respectively belong, and shall be held for and devoted to the payment of benefits specified in these Rules, and carrying out the objects of the Union. But, any member or members, Sub-Branch or Sub-Branches, seceding from the Union in Queensland, shall forfeit all claim to the benefits under our Rules, and to all moneys, books, and property held by or on behalf of the Union in Queensland.

RULE 5

REMOVAL OF OFFICERS:

1. The State Management Committee shall be under the control of the members. Any officer or member of the S.M.C. being charged with neglect of duty, grave misconduct, or violation of the Rules of the Union may be suspended immediately by decision of the S.M.C. In case of an appeal against suspension the grounds for such suspension, together with the appeal of the officer suspended, shall, within two months of suspension, be fully set out, and submitted to the members by whom such officer was elected, for confirmation or rejection; such decision of the members to be final. Should there be no appeal against suspension the S.M.C. shall have power to dismiss or otherwise punish the officer concerned. Appeals under this rule must be lodged with the Secretary of the Sub-Branch to which the member belongs within fourteen (14) days of suspension or punishment.

2. The State Management Committee or any officer may be removed from office by resolution carried on a ballot by three-fourths majority of the members of the Branch, and in the event of any officer or members being removed from office an election must be held within one month of such removal from office in accordance with Rule 19.

RULE 6

BANKING AND EXPENDITURE OF FUNDS:

1. All moneys of the Union in Queensland shall be banked by the State and Sub-Branch Officers in the Commonwealth Bank of Australia, or such other Bank as the S.M.C. may decide.

2. All expenditure from the funds shall be in accordance with the Rules of the Union in Queensland and no expenditure shall be permitted for any purpose contrary to the objects of the Union in Queensland.

RULE 7

AUDIT OF ACCOUNTS:

The account of the S.M.C. and Capital City Sub-Branch shall be audited yearly by a Public Auditor or Accountant. The Accounts of other Sub-Branches shall be audited half-yearly in the manner provided in Rule 12, Clause 17.

RULE 8

REGISTERED OFFICE:

The Registered Office of the Union in Queensland shall be at the Trades Hall, Edward Street, Brisbane.

RULE 9

A register of members in the State shall be kept in the Registered Office in each State.

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

RULE 10

STATE MANAGEMENT COMMITTEE

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

They shall appoint delegates to attend Federal Conference of the Building Workers' Industrial Union of Australia.

Qualification for S.M.C. and Period of Office.

2. They shall consist of five members, three to form a quorum. No member of less than three (3) years' continuous membership in the State of Queensland shall be eligible for election to the State Management Committee. They shall be elected and continue in office for a period of three (3) years.

The S.M.C. shall meet in the Trades Hall, Brisbane for the purpose of controlling the Union's business.

Any two members of the State Management Committee may by notice in writing addressed to the President require him to summon a special meeting of the State Management Committee.

3. The State Management Committee shall elect from its members a Branch President. In any election every member of the State Management Committee shall be given an opportunity of voting whether present or not.

Duties—Branch President

The duties of the Branch President shall be as follows:—

(i) The Branch President shall preside at all meetings of the S.M.C., State or Special Conference, and at meetings convened by the State Conference or S.M.C.

(ii) He shall carry out such duties as may be assigned to him from time to time by the S.M.C., and by the State Secretary acting on their behalf.

(iii) He shall conduct the business in accordance with the standing orders and rules of debate.

(iv) He shall, upon the minutes being confirmed, sign the minute book in the presence of the meeting, and he shall have the meeting, by resolution, endorse or reject all accounts submitted for payment.

S.M.C. Executive

4. In the event of the majority of a S.M.C. being resident at such distance from the Office of the S.M.C. as to make weekly or more frequent meetings of the S.M.C. impracticable the three members residing nearest to the Office of the S.M.C. shall form an Executive, two to form a quorum, which shall have such powers as the S.M.C. may decide. The minutes of each Executive Meeting shall be immediately forwarded to each member of the S.M.C. and all Sub-Branches.

Secretary's Term of Office

5. The State Secretary shall be elected and remain in office for a period of three (3) years. He shall also be Secretary of the Capital City Sub-Branch, provided that should the income of the S.M.C. and Capital City Sub-Branch be insufficient to meet expenses, the services of the Secretary may be temporarily dispensed with at the discretion of the S.M.C., provided that when the Brisbane Sub-Branch income exceeds £2,000 they may appoint a Secretary-Organiser.

6. The State Secretary shall not be eligible for election to the State Committee unless he resigns his position as State Secretary.

Delegation Approval

7. No Sub-Branch shall have the power to delegate any member on Union business for any period above one week in any half-year without first obtaining the approval of the State Committee. Any infringement of this Rule by any member or Sub-Branch shall be deemed misconduct, and members or Sub-Branches infringing this Rule may be fined by the S.M.C. any sum not exceeding £10. This Rule shall not affect the Rule allowing 10 per cent. of the Sub-Branch Income to be used for local organising.

Amalgamation

8. Notwithstanding any other Rule of the Amalgamated Society of Carpenters and Joiners of Australia (Queensland Branch), the Queensland State Management Committee shall, whenever a Ballot upon the Amalgamation of Building Trade Unions is carried by a majority of members voting in favour thereof, take all necessary legal and other action to implement the decision of the members.

Interpretation of Rules

9. The S.M.C. shall interpret all Rules requiring interpretation.

State By-laws

10. The S.M.C shall have the power to frame its own by-laws for the guidance of the Sub-Branches provided always that they do not conflict with the Rules of the Union in Queensland. Such By-laws upon being adopted by a majority vote of the members voting, shall be working Rules within the State, after being registered by the Registrar of Trade Unions.

Legal Proceedings

11. The trustees of the Union after being authorised by the S.M.C. shall be empowered to take legal proceedings for recovery of arrears of contributions and fines, breaches of Awards and recovery of Accident compensation.

12. The State Committee may, provided the funds of the S.M.C. are sufficient to meet the additional expense, appoint one or more Organisers.

13. On receiving from the Sub-Branch Secretary the names and all particulars of any members in arrears, they shall within fourteen days of the meeting of the S.M.C. at which the name is received, place the matter in the hands of their Solicitor for action for recovery.

Control and Suspension of Members

14. They shall exercise general control over the members, and shall have power to fine or expel any member found guilty of violating the trade or any local district Rules, and shall have power to suspend from benefit, for any period, the member who, after investigation by the S.M.C., has been found guilty of acting contrary to the policy of the Union. The S.M.C. shall immediately notify the Sub-Branch to which the member belongs of such suspension.

A fine imposed under this rule shall not exceed £5 and any action taken against a member shall be in accordance with the provisions laid down in Rule 16.

Transfer of Members

15. They shall have power to order the transfer of any member from any Sub-Branch under their jurisdiction, to any Sub-Branch in Queensland, when, in the opinion of the S.M.C., such transfer is necessary for proper industrial control.

16. They shall have power to grant donations from the Contingent Fund when application has been made in accordance with the provisions of Rule 26.

00182

Aggregate Meetings

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

Sub-Branches of not less than 30 members may be formed at the discretion of the S.M.C., subject to Rule 12, Clause 12, excepting where the interest of any certain industry precludes the establishment of 30 members in the formation of a Sub-Branch.

Delegates' Meeting

18. Whenever it is necessary to obtain the opinion of members in any district with five hundred (500) members and upwards, it may be done by special Summoned Meetings of the Sub-Branches in such district, when delegates shall be elected from each Sub-Branch in proportion to the Sub-Branch membership in accordance with the following scale: Under 100 members, one delegate; 100 and under 250 members, two delegates; 250 and upwards, three delegates; who shall be paid according to Rule 24.

Delegate Convention

19. (a) The S.M.C. shall convene at regular intervals not more than each two years (but at earlier intervals should it be deemed necessary) a State Delegate Convention consisting of delegates elected from Sub-Branches and jobs throughout the State and also comprised of members of the S.M.C. and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates, Sub-Branches and jobs may elect to attend such Convention shall be determined by the S.M.C. from time to time.

(c) Items for the agenda of the State Delegate Convention shall be called for at least two months before Convention assembles, and be in the hands of delegates to Convention at least seven days before Convention commences.

(d) The State Delegate Convention shall, from time to time, determine the policy of the Union to be observed by the membership and by the S.M.C.

(e) The State Delegate Convention shall have the power to recommend in the same way as a majority of Sub-Branches may do under the rules that a referendum of the membership be taken on any rule or rules of the union subject always to the directions in such rules.

Special Auditors

20. The S.M.C. may at any time appoint two Auditors to audit the books of any Sub-Branch under their jurisdiction.

Control of Organisers

21. They shall have control over the Organisers, and shall have power to call on the Capital City Sub-Branch Secretary to perform any duty that may arise which does not interfere with his duties as Sub-Branch Secretary.

22. In districts where an Organiser-Secretary has been appointed or elected, he shall be under the control of the Sub-Branch he visits for organising purposes only, for the period allotted them by the District Committee.

23. No fully paid official other than the Secretary shall hold a position on the S.M.C.

00183

S.M.C. Finance and Contingent Fund

24. The S.M.C. shall have control of the property in their State, and, in addition to the provision of Rule 4, Clause 11, shall draw from each Sub-Branch, Job Stewards and Organisers the total contributions, entrance fees and fines collected.

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

The State Management Committee may disperse monies for the purpose set out in the objects of the Union. The surplus funds or other property of the Sub-Branch shall be vested in the Sub-Branch Trustees and such funds may be invested from time to time in such manner as may be determined by the State Management Committee. No donation exceeding $100 shall be made from the Contingent Fund without the sanction of a majority of the Sub-Branches in Queensland.

Affiliation

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

26. Each S.M.C. when elected to office shall, within the first six months, take a vote of the membership with the object in view of the formation of one Big Union in the Building Industry.

27. District Committees may be formed and shall have local autonomy in such matters as the full State Committee may determine in the form of Working Rules for the district.

Delegating Powers

28. If, for any reason, the S.M.C. consider it desirable that a Sub-Branch should have powers (in any matter) equal to the powers of a S.M.C., they may confer such powers on the S.B.C. of the Sub-Branch, and may revoke such powers when they decide fit.

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

Trustees

30. With the exception of the State Secretary, who shall also act as Treasurer, the S.M.C. shall appoint their own officers. They shall elect four (4) Trustees one of whom shall be the State Secretary (any two with the State Secretary to operate), and a Chairman, who shall have a deliberative vote only.

RULE 11

DUTIES OF SECRETARY OF THE STATE MANAGEMENT COMMITTEE—CONTROLLED BY S.M.C.

1. He shall be under the control of the S.M.C., and shall devote the whole of his working time to the business of the Union provided the S.M.C. income is sufficient to pay the salary provided in Rule 10, Clause 1.

He shall be the registered (State) Officer to sue or be sued on behalf of the Union in his State in regard to any legal matter within the State in which his S.M.C. has jurisdiction.

00184

He shall keep a correct record of the members in his State and shall, when instructed by the S.M.C., sue for the recovery of arrears of contributions or other moneys due to the Union by the members in his State.

The State Secretary shall keep or cause to be kept proper books of accounts showing the receipts and expenditure of the Branch, and separate accounts of receipts from all Sub-Branches, and also correct records of all monies received or paid on account of any particular fund, and separate accounts of all management expenses and of all contributions on account thereof, as required by the Queensland Trade Union Act of 1915 and amendments thereof.

The State Secretary shall endorse all vouchers for payment certifying to their correctness, and shall prepare a balance sheet in accordance with Rule 11 (2).

The State Secretary shall submit to each meeting of the State Management Committee an interim statement of receipts and payments made up to the end of the week preceding the meeting.

Wages Boards

2. He shall attend to all Wages Board, Arbitration Court, and other legal matters coming within the jurisdiction of the S.M.C. He shall keep all books and documents necessary to a proper working of the office of the S.M.C. He shall prepare a half-yearly report and also a yearly balance sheet showing the income and expenditure for that term, and upon the same being audited and adopted by the S.M.C., he shall send a copy to the Sub-Branches over which the S.M.C. has jurisdiction.

He shall prepare and forward to the Registrar of Trade Unions all returns required by law.

Neglect of Duty

3. Should he fail to carry out his duties to the satisfaction of the S.M.C., he may be dealt with by such committee in the manner prescribed in Rule 5.

Resignation or Removal

4. In the event of his desiring to resign, he shall give at least one month's notice or be fined five pounds (£5). Upon resigning or being removed from office, according to Rule 5, he shall, within seven (7) days, deliver up to whatever person the S.M.C. may appoint, all books, documents and other property of the Union then in his possession. Before the books are handed over to his successor in office they shall be audited.

RULE 12

POWERS AND DUTIES OF SUB-BRANCHES:

1. For the convenience of members, Sub-Branches may be opened in any town in the State. No Sub-Branch shall be opened without the consent of the S.M.C. Each Sub-Branch shall have power to elect its own officers, make its own by-laws (if necessary), with the consent of the S.M.C, and generally to control its own business.

Such By-laws shall not become operative until registered under the provisions of 'The Trade Union Act of 1915'.

When Disbanded

2. In no case shall any Sub-Branch close or disband without the authority of the S.M.C., in which case all cash or other property thus be handed over to the S.M.C.

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Visiting Members

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

Clearances

4. Any member entering a Sub-Branch by clearance shall not have a vote in that Sub-Branch until his clearance has been accepted by such Sub-Branch.

5. No Sub-Branch shall hold its meetings in licensed premises where alcohol is sold.

6. Sub-Branches shall accept a transfer for any member, and issue a transfer for any member who applies for same, subject to the provisions of Rule 15, Clauses 2 and 3, and all arrears of contributions shown on the clearance card sent from a Sub-Branch in one State to a Sub-Branch in another State shall be collected and retained by the Sub-Branch to which the members have been transferred.

7. Each Sub-Branch may obtain a room and a safe and/or steel cabinet and office equipment for the safe keeping of sub-branch property provided the S.M.C. is advised of the cost of such facilities and has approved whatever payment is necessary to secure such facilities.

Interpretation of Rules

8. Should any Rules require interpretation, or be not clearly defined, they shall be sent to the S.M.C. for their decision. All such decisions shall be inserted in the minute book of the Sub-Branch.

Resolutions to S.M.C.

9. Resolutions to the S.M.C. shall be submitted in writing to the S.-B.P., and the number of members present, and the numbers of votes for and against such resolution, shall be stated when the resolutions are sent to the S.M.C.

Correspondence Confidential

10. All communications or copies of correspondence from the S.M.C. shall remain the property of the Union and information relating to the same shall not be divulged to any outside body or bodies without first obtaining the sanction of the S.M.C.

Sub-Branches Allowed

11. In all country towns there shall be only one Sub-Branch. Each capital city shall have only one Sub-Branch, and no other Sub-Branch shall operate within a radius of five miles of the meeting place of the City Sub-Branch except with the consent of the S.M.C.

Sub-Branch Officers

12. Sub-Branches shall elect a President, Vice-President and a Secretary, who shall also act as Treasurer. Sub-Branches with a membership of more than 100 shall elect a Money Steward, who shall operate only on Half-year Nights. They shall also elect three (3) Trustees (any two to operate), Doorkeeper, and five (5) Committeemen. Trustees or Doorkeeper may also hold office as Committeeman. The Sub-Branch Secretary shall appoint Sick Stewards as they are required.

13. Any member neglecting the duties for which he is elected, shall, unless a satisfactory apology is furnished, be fined by his Sub-Branch or S.M.C., any amount not exceeding five pounds (£5).

14. Any officer of a Sub-Branch, member of a Committee, or delegate elected by such Sub-Branch, who is absent from three consecutive meetings, shall be deemed to have vacated his seat and the Sub-Branch shall fill the vacancy at the next meeting.

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Meetings: When Held

15. City Sub-Branches shall meet fortnightly to transact business.

Suburban and Country Sub-Branches, with the consent of the S.M.C., may vary this Rule to suit their convenience. The time of opening and closing meetings to be at the discretion of each Sub-Branch.

16. The Books of each Sub-Branch, except Capital City Sub-Branches, shall be audited by two auditors. Where Sub-Branches are situated in metropolitan areas, one auditor shall be appointed by the S.M.C., and one shall be elected by the Sub-Branch. In all other Sub-Branches, two auditors shall be elected by the Sub-Branch.

17. Sub-Branches shall have power to strike a levy of not more than £2 for purely local purposes, provided due notice thereof has been given to members and provided that two-thirds of the members voting shall decide in favour of the levy. Voting shall be by ballot of the members of the Sub-Branches concerned.

18. Any member residing within a three miles' radius of the meeting place of the Sub-Branch who fails to attend a Summoned Meeting shall be fined a sum not exceeding 3/-, unless a satisfactory excuse is tendered.

19. The Sub-Branch President and Secretary may and on requisition signed by ten per cent. of the members of the Sub-Branch shall call a special meeting of the Sub-Branch. No business shall be transacted at such a meeting other than the business set out in the requisition or in the notice calling the meeting.

20. Sub-Branch By-laws shall be registered under "The Trade Union Act of 1915". The precise location of all meetings at which the business of the Sub-Branch shall be conducted shall be published six months in advance in the notice published half-yearly for that purpose. Copy of each such half-yearly notice shall be filed forthwith with the Trade Union Registrar.

RULE 13

DUTIES OF SUB-BRANCH OFFICERS AND COMMITTEES:

(a) Sub-Branch President

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

Bank Book; Countersign Orders for Payments; Branch Resolutions

2. He shall sign the Sub-Branch minutes of the previous meeting, after they have been confirmed by the Sub-Branch. He shall examine the Sub-Branch bank book each meeting night (when such book is not held by the bank) and report to the Sub-Branch the result of each banking transaction, the record to be inserted in the Minute Book. He shall countersign all orders for payment of money authorised by the Sub-Branch, and all orders for remittances to the S.M.C. when requested to do so by the State Secretary, and for capitation fees due to the S.M.C. under Rule 10, Clause 24. He shall also cause to be recorded in the minute book the number voting for and against all suggestions for alteration of Rules, or resolutions intended for the S.M.C. and the numbers present when the vote is taken.

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(b) Sub-Branch Secretary

Correspondence; Keep Account of Income and Expenditure; Clearances

1. The Sub-Branch Secretary shall attend all meetings of the Sub-Branch or Committee. He shall conduct all correspondence and take the minutes of Committee meetings. He shall be responsible for the collecting of contributions, fines, and other money due to the Union by members of his Sub-Branch. He shall keep a clear and correct account of all receipts and expenditure in connection with the Sub-Branch. He shall register carefully the name, age and residence of every member, and shall, within one month, forward to the State Secretary, correctly filled in registration cards for all members admitted into the Sub-Branch, and also transfer cards for all members leaving the Sub-Branch. He shall also notify the State Secretary of all resignations and deaths.

Balance Sheets

2. He shall prepare, in duplicate, a half-yearly balance sheet and report, setting out all income and expenditure incurred during the period covered by such balance sheet, one copy to be forwarded to the State M.C. within seven days after the half-yearly meeting. He shall close his books immediately after the first meeting night in June and December and the contributions for the next ensuing half-year shall be due and payable on the second meeting in the months of March and September. He shall give every facility to the Auditors to examine all books and papers in connection with the Sub-Branch. He shall read out to the Sub-Branch a fortnightly cash account. He shall be the custodian of the official stamp of the Sub-Branch, and be ex-officio member of all sub-committees but shall not have a vote on any matter in which he is personally or financially interested.

Half-Yearly Summons

3. He shall supply all necessary advice to the State Office to enable it to advise the Sub-Branch members of the time, place and date of the half-year meeting, which shall be in March and September of each year and the second meeting of the month where fortnightly meetings are held and the State Secretary shall forthwith notify all Sub-Branch members thereof. He shall supply all details to the State Office to enable it to advise members in arrears. Special meetings of the Sub-Branch may be called as decided by the Sub-Branch. He shall perform all clerical and other duties appertaining to the position of the Secretary.

All Sub-Branch meetings called in accordance with this sub-clause shall be held at the place fixed by Rule 12 (20) for conduct of the business of the Sub-Branch.

Suspended Members

4. Members who owe one year's contributions shall be regarded as having broken their membership which shall be suspended. The State Office shall be advised regarding such members. They shall not be included in returns of membership or recognised when computing the number of members in the Sub-Branch.

5. He shall accept all clearances (that are permitted) from other Unions, also transfers from other Sub-Branches or other States, and shall issue transfers for any members applying for same. He shall also transfer all members who do not comply with Rule 16, Clause 2, to the Sub-Branches nearest to which they reside.

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

Pay Benefits

6. He shall pay all benefits according to Rules 22 and 23, and he may be made to refund all expenditure that is made contrary to the provisions of these Rules. All dues to S.M.C. to be paid within four weeks of the closing of the books at the end of the half-year.

Monthly Report

7. He shall, within one month of the closing of the half-yearly accounts, forward to the S.M.C. the contributions due under Rule 18, Clause 24. He shall also forward at the same time to the S.M.C. the amount deducted from members' contributions for the Contingent Fund.

Resignation or Removal

8. In the event of resigning he shall give one month's notice, or be fined 10/-, except in the case of illness or removal from the town. On his resignation or being removed from office, or on demand of the S.M.C., or whomsoever they may authorise, he shall, within seven days, deliver up all books, documents and property of the said Sub-Branch to the S.M.C. or Trustee. Before the books are handed over to his successor in office they shall be audited.

Neglect of Duty

9. Should he fail to carry out any of his duties to the satisfaction of the Sub-Branch, it shall, upon the matter being reported, refer it to the Sub-Branch Committee, who shall investigate it and report to a subsequent meeting, which shall have power to deal with him according to the provisions of Rule 12, Clause 14.

(c) Vice-President

He shall record the minutes of all Sub-Branch and special meetings and shall preside over meetings in the absence of the Sub-Branch President.

(d) Doorkeeper

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

(e) Sub-Branch Trustees

1. Three Trustees shall be appointed, any two to operate, who shall be elected annually, and in whose joint names shall be banked the funds of the Sub-Branch. They shall sign cheques for such sums as the Sub-Branch may vote. All cheques to be counter-signed by the Secretary. Should a vacancy arise from any cause whatever, such vacancy shall be filled at the next Summoned Meeting of the Sub-Branch.

2. The trustees shall have all powers and immunities conferred on such Trustees by Trade Union Acts.

(f) Sub-Branch Auditors

Auditors shall be appointed at the meeting preceding the half-yearly one, in accordance with Rule 12, Clause 17, to examine all books, documents, etc., relating to the financial affairs of the Sub-Branch during the six months, and to submit and report same at the half-yearly meeting.

(g) Sub-Branch Committee

There shall be a Committee of five for general purposes in every Sub-Branch, who shall meet when required on being summoned by the Sub-Branch Secretary, three to form a quorum. The President

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and Secretary of the Sub-Branch shall be ex-officio members of the Sub-Branch Committee. The President shall have a casting vote only, and the Secretary shall have no vote. The minutes of the proceedings shall be signed by the Chairman at the close of each meeting, and submitted to the next Sub-Branch Meeting for confirmation or otherwise. If necessary they shall examine and determine claims for lost books. In the event of a member being charged with acting contrary to the policy of the Union the Sub-Branch Committee shall have power to refuse payment of any benefit to such member until the charge has been investigated by the S.M.C. and its decision conveyed to the Sub-Branch. They shall hear and decide all cases of appeal from a member against an officer of the Sub-Branch. In the case of isolated Sub-Branches, the S.M.C. shall have power to confer on Sub-Branches the power of an M.C. Any member of a Sub-Branch Committee who is absent from three consecutive meeting shall be deemed to have vacated his seat, and the Sub-Branch shall fill the vacancy at the next meeting. The Committee shall meet at least once per half-year for the purpose of drawing up an Agenda and making a report of the half-years work for the half-yearly meeting of the Sub-Branch.

(h) Sick Stewards

Sick Stewards shall, when instructed by the S.B.S. visit any member who is sick or who has met with an accident, and report to the next Sub-Branch meeting.

(i) Returning Officers and Scrutineers

1. The Sub-Branch Returning Officer shall be responsible for the conduct of Sub-Branch elections. He shall procure all ballot papers, initial same, and issue to the member entitled to vote. He shall, if necessary, have a casting as well as a primary vote.

2. All ballot papers must be returned by 9 p.m. on meeting night and counted as soon as possible in the presence of two scrutineers. The result to be declared immediately count is complete.

3. Scrutineers shall attend all meetings at which elections are being conducted, and assist the S.-B.R.O. in all matters connected with the elections.

(j) Money Stewards

The Money Stewards shall attend the Sub-Branch meetings punctually at the time of commencing of business, and shall take money and issue receipts to members

RULE 14

ELECTION OF SUB-BRANCH OFFICERS:

1. The election of all Sub-Branch Officers shall be held on the yearly meeting nights in March, which shall be by ballot of all members present at the meeting; no distinguishing figure or mark to be on ballot papers, same to be initialled by the Returning Officer.

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

3. Candidates for office shall be financial members of 12 months' standing in the State and shall be proposed and seconded by two financial members. Nomination shall be accepted on the meeting night prior to the date of election; failing nominations for any office on the night prior to the elections, nominations for such office may be accepted at the meeting on the night of election. All candidates shall give consent in writing or be present at the meeting when nominated. Nothing in this Rule shall apply to fully paid officers.

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RULE 15

DUTIES OF MEMBERS:

1. No member shall call on or write to any S.-B.S. at the works where he is employed.

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

3. Members changing their residence and not informing the S.-B.S. in writing within three months of such change of address, unless a satisfactory reason is given, shall be fined not more than 2/6.

Qualification to Hold Office

4. No member, who is not a carpenter and/or joiner or machinist, and bona fide and actual employee in the trade, shall be eligible to hold any position in connection with this Union; but this condition shall not apply to any member or officer who is directly employed by this Union.

5. Members claiming benefit under Rule 22 shall attend the Sub-Branch meeting at which the claim is being considered unless reasonable excuse is forwarded.

RULE 16

MISCONDUCT OF MEMBERS:

(a) Any member violating any registered rule or by-law of the Union may be fined a sum not exceeding £2 by the Sub-Branch. Should, however, the matter be referred to the State Management Committee, they shall have power to fine the member an amount not exceeding £5, expel him from membership or suspend him from benefit for a period of not more than six months for such an offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the rule of the Presiding Officer, may be fined a sum not exceeding 20/- and should he persist, the Presiding Officer shall have power to call on the members to expel him from such meeting until such time as the fine is paid and an apology is tendered for such conduct.

(c) A member shall not take any grievance in which he is personally concerned to any person or persons outside the Union prior to the case being dealt with by the responsible body, in accordance with these Rules.

(d) It shall be competent for the State Management Committee to inflict a fine not exceeding £2, suspend from benefit, or expel any member from the Union upon satisfactory proof being given that such member has refused to comply with their decision, or acting contrary to the interests of the Union, or who has by his conduct brought the Union into discredit, or has wilfully violated the recognised trade rules of the district in which he is working.

(e) Charges under these Rules shall be made in writing within one month of the discovery of the incident to which it refers, to the Sub-Branch or State Management Committee. The member so charged shall be summoned to attend a meeting of Sub-Branch Committee or State Executive, or State Management Committee, by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be sufficient if posted to his last known place of abode not less than five days before the date of such meeting. At the appointed time and place the charge shall be investigated, either by the Sub-Branch or State Executive or State Management Committee, whether or not the member [illegible] be in attendance. The decision

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of the Sub-Branch or Executive shall be binding on the member, subject to the right of appeal to the State Management Committee whose decision shall be final in all matters whether by appeal or otherwise. All meetings, in accordance with this sub-clause, shall be held at the place, fixed by the Registered Rules for the conduct of the business of the Branch or Sub-Branch.

(f) Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with by the State Management Committee provided that the maximum fine that may be imposed shall not exceed £5.

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

(h) No member, or members conjointly, shall issue any circular to the members of Sub-Branches on any matter without the consent of the S.M.C. Inter-communication between Sub-Branches shall be allowed on all matters in relation to the Union, provided a copy is submitted to the S.M.C. 14 days before the matter is sent.

RULE 17

PAYMENT AND RECOVERY OF FINES:

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

RULE 18

APPEALS OF MEMBERS AND SUB-BRANCHES AND S.M.C.:

Right of Appeal

1. Any member finding himself aggrieved against the actions or decisions of the officers or members of the Union may, in the case of any grievance, appeal to his Sub-Branch for redress, and, if still aggrieved, he may further appeal through his Sub-Branch to the S.M.C. within one month, whose decision shall be final and such decision must be conveyed to those concerned.

Not to Furnish Other Evidence

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

3. In no case shall an appeal be withheld by a S.M.C. or Sub-Branch, but all appeals shall be sent through Sub-Branches.

When Not Considered

4. The S.M.C. shall not consider any appeal from any member whose total dues to the Union amount to twelve months' contributions or more.

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

Sub-Branch Appeals

6. Should any Sub-Branch give notice of appeal against the decision of the S.M.C., closing or suspending the said Sub-Branch, the decision shall not take effect until such appeal has been decided by the S.M.C.

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RULE 10

ELECTION OF STATE SECRETARY, S.M.C. MEMBERS AND ORGANISERS:

(1) Any member of the Branch who is financial and has at the time of nomination not less than three year's continuous membership may nominate for any of the positions named at the head of this Rule.

(2) The term of office for the above positions shall be three years.

(3) Nominations, which must be in writing, signed by the Candidate and endorsed by two financial members, shall be in the hands of the Branch Returning Officer, not later than the last day in September following the calling of nominations.

(4) Nominations for the various offices falling vacant shall be called by the Branch Returning Officer on or before the last day of August in every third year, commencing on and from August 1964, notice of which nominations shall appear in the Queensland "Building Workers Journal" posted to each member 28 days before closing date.

All Sub-Branches shall be notified by circular of the closure date for nominations for the election of officers named at the head of this rule and such Sub-Branches shall be supplied with nomination forms twenty eight days before the closing date for such nominations.

(5) If only sufficient nominations are received to fill any vacancy, the Returning Officer shall thereupon declare the person so nominating elected.

(6) If more nominations than there are vacancies are received, the Returning Officer shall arrange for the names to be drawn in a Ballot in the presence of the State Management Committee and such names shall be placed on the Ballot Paper in the order in which they are so drawn.

(7) The State Secretary shall provide the Returning Officer with a certified list of members entitled to vote in the election not later than ten days after the closing of nominations. Such lists shall be available at the Union Office for perusal by any Scrutineers or Members entitled to vote at the said election. Notice of the availability of the list shall be published in the Daily Press on the day it becomes available.

(8) The Returning Officer shall post to each Member entitled to vote, i.e., financial in terms of Rule 4, Clause 5, a Ballot Paper properly initialled, together with printed Business Reply Envelopes for return of same not later than the last day in October, after the closing date of Nomination.

(9) All Ballot Papers shall be posted by the Member voting in time for same to reach the Returning Officer not later than the fourteenth day of November following despatch of Ballot Papers.

(10) Any candidate for any of the above positions may prepare a Statement not exceeding 400 words, setting out his views for submission to the members, and such Statement shall be delivered or forwarded to the State Management Committee when forwarding Nomination.

(11) The State Management Committee shall issue instructions for the printing of all Statements submitted by candidates in time to allow same to be included with Ballot Papers when despatched by the Returning Officer.

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(12) All Ballot Papers shall be returned to the Returning Officer, c/o the Post Office Box named on the Business Reply Envelope. The Post Office Box to which the Ballot Papers are to be returned shall be hired by the Returning Officer prior to the despatch of Ballot Papers or if the Box has been previously hired, he shall cause the lock to be changed.

The key to such Box shall be picked up by the Returning Officer at a time, reasonable notice of which has been given to the Scrutineers, and deposited with the Bank at which the Branch Account is held.

The Returning Officer shall each day, at a time reasonable notice of which has been given to the Scrutineers pick up the key to the Post Office Box from the Bank in which it is deposited, collect the returned Ballot Papers from the Post Office Box and deposit them in the Ballot Box. Such Ballot Box shall be kept at the Bank at which the Branch Account is held for the time being, and shall prior to the commencement of the ballot, be held by the Returning Officer and may be sealed by any Scrutineer. After placing the Ballot Papers in the Box, the key to the Post Office Box shall be deposited at the Bank. The Ballot Box shall be picked up by the Returning Officer at a time, reasonable notice of which has been given to the Scrutineers and taken to the Union's rooms and be opened in the presence of Scrutineers and the count shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the Ballot Box, to which any seals may be affixed by a Scrutineer.

(13) The Returning Officer shall proceed to count the ballot on the preferential system, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the Ballot shall be completed not later than the first day of December following the closing of the Ballot.

(14) In the case of an equality of votes for any two or more candidates, the Returning Officer shall determinate by casting his vote which of the candidates is elected.

(15) Two Scrutineers who are not candidates shall be elected by the State Management Committee not later than the last day in November to assist the Returning Officer in the conduct of the Ballot.

(16) The Returning Officer shall notify the State Management Committee of the result of the Ballot and the State Management Committee shall issue instructions for the publication of same in their minutes and the "Building Workers' Journal" and/or "Building Worker." He shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area.

(17) The successful candidates shall take up their respective duties not later than the first day of January following the conclusion of the Ballot and shall remain elected until their successors take up office.

A successful candidate who fails to take up his position on or before the above date shall, unless a reasonable cause to the satisfaction of the State Management Committee be shown, be deemed to have resigned, and shall not be eligible to nominate for any office for a period of four years.

(18) Should a vacancy occur in any of the above mentioned offices, the State Management Committee shall fill the position within one month if the term remaining is not more than twelve months. If the term remaining is more than twelve months, an election shall be held in accordance with these Rules to fill the vacancy.

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(19) Any candidate may appoint a Scrutineer who shall be entitled at the expense of the candidate to be present at any stage of the Ballot.

(20) Any accidental or unavoidable omission or error in the carrying out or observance of this Rule shall not invalidate an election unless such omission or error is shown to have affected the result of an election.

(21) In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the Ballot.

RULE 20.

ORGANISERS:

1. One or more Organisers may be appointed in the State for the purpose of organisation, the same to be under the control of the S.M.C., and they shall attend S.M.C. meetings when required. No member may be nominated for the position of Organiser who has been in the Union for less than three (3) years continuously. They shall be nominated and elected by the members under the jurisdiction of the State M.C.

When District Organisers are to be elected they may be nominated by any Sub-Branch within the State in which the district is situated, but shall be elected by the members of the Sub-Branches within the district in which the District Organiser is to operate.

State Organisers may be elected and remain in office for a period of three years, provided that if the funds are insufficient to meet the half-yearly expenditure, their services may be temporarily dispensed with at the discretion of the S.M.C.

The S.M.C. may appoint Temporary Organisers for a period not exceeding six (6) months; the duties of Organisers to be determined by the S.M.C.

2. Any Sub-Branch may, subject to the consent of the S.M.C., appoint a local Organiser for a period of not exceeding six months. An amount equal to 10 per cent of the previous half-year's income may be used for this purpose. This amount may be subsidised by the S.M.C. on application by the Sub-Branch.

RULE 21

SHOP STEWARDS:

For the convenience of members, Shop or Job Stewards may be appointed by Sub-Branches within the district under their control.

Should any Shop or Job Steward be victimised, or be reasonably supposed to be victimised, from carrying out any duties to the Union, the S.M.C. shall take all necessary steps to see that the member is compensated for any loss he may incur.

RULE 22

TOOL BENEFIT:

1. All members who have been in the Union for twelve (12) months and are financial at the time of such loss, shall be entitled to compensation for tools lost by fire, theft, or in any other way that, in the opinion of the Sub-Branch Committee, will entitle them to benefit, to the amount of twenty pounds (£20) in any one claim, but no claim for Tool Benefit shall be entertained if it be under twenty-five shillings (25/-).

2. The maximum amount payable to any member for Tool Benefit shall not exceed twenty pounds (£20) in any period of 12 months.

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Not Paid in Money

3. No tool claim shall be paid in money, although it shall not be imperative for any Sub-Branch to supply members with similar tools to those which have been lost, provided that the value of the tools supplied does not exceed the amount required in order to replace the lost tools. If the lost tools are recovered, the new ones shall be returned to the Sub-Branch to be disposed of at the discretion of the Sub-Branch.

Reporting Loss

4. Members claiming shall report the loss at the police station nearest to the job, and shall obtain the signature of the police officers on a form provided by the Branch Secretary as an acknowledgement of such report. A properly priced list shall be lodged with the Sub-Branch Secretary within seven days accompanied by a statutory declaration signed by a Justice of the Peace. The Sub-Branch Secretary shall ascertain from the police whether such loss has been reported.

Name Stamp

5. Members claiming this benefit shall produce their name stamp in one piece, or its impress, and affirm in writing that the tools are duly stamped with the same. Such name stamp shall consist of claimant's surname, and at least one initial. In the case of tools composed entirety of steel or iron, the member must affirm that the tools bore his private mark by which identification is possible, provided that at all times the Sub-Branch Committee, with the instruction of the Sub-Branch, may determine when the question of the possession of a name stamp shall not prevent the payment of a tool claim.

Tool Benefit—Registration of Name Stamp

6. All tool claims shall be subject to revision by the State Management Committee where deemed necessary, and any claimant for such benefit shall first of all have his name stamp registered with the S.M.C.; such to be done through his Sub-Branch.

Loss By Enemy Action

7. Nothing in this Rule shall render the Union liable to compensate any person for loss of any tools by him as a result of enemy or belligerent action.

RULE 28

FUNERAL ALLOWANCE

1. The Union shall pay out of its funds a funeral allowance to the representatives of deceased members who have been members for a period of twelve months. On the death of a member who does not owe more than one half-year's contributions, a sum of money in accordance with the appended scale of funeral allowances shall be paid to his widow, next of kin, or nominee, or whomsoever may, in the opinion of the Union, prove to have an equitable claim to it, provided that at the time of such member joining the Union he was not over fifty (50) years of age. Provided, however, that this provision shall not apply to any member who joined the Union prior to its amalgamation. In the event of a member dying, and there being no widow, next of kin, or nominee discovered to whom the Union may deem it just to pay the funeral allowance, the Union shall defray the cost of decent interment of the remains of such a member, and should the circumstances of such a case induce the Union to inter the remains and a claimant to the funeral allowance afterwards arise and prove his or her claim, the Union shall deduct from the amount of such claim, all the expenses it may have been put to on account of the interment, and pay the balance if any, to the claimant.

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2. Scale of Funeral Allowances:—On the death of a financial member who has been a member of the Union for twelve (12) months, the funeral allowance shall be one pound (£1), and shall increase at the rate of one pound (£1) per annum, the maximum to be twenty pounds (£20).

RULE 24

SALARIES OF OFFICERS

The State Management Committee shall from time to time set down a scale of payments for Sub-Branch Secretaries, Sub-Branch Presidents, Vice-Presidents, Delegates, Money Stewards, Sick Stewards, Sub-Branch Committees, Returning Officers and Deputy Returning Officers, Scrutineers, and clerical assistance, provided that when such scale is determined, it shall be registered under the Trade Union Act and the Industrial Conciliation and Arbitration Act as part of the Rules of the Union.

RULE 25

OFFICERS' HOLIDAYS:

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

RULE 26

CONTINGENT FUND:

Banked by S.M.C.

1. All money collected for the Contingent Fund shall be forwarded by the Sub-Branch Secretaries to the S.M.C. each half-year, at the same time as the dues, under Rule 10, Clause 24, are remitted, and shall be banked by the S.M.C. in the name of the Union in a separate account.

How Used

2. The Contingent Fund shall be used for the purpose of relieving cases of distress amongst members that are recommended by the Sub-Branches to and approved of, by the S.M.C. It may be used for assisting our own or any other trade.

Applications to S.M.C.

3. All applications for donations to members shall be on a schedule provided by the Union, and no donation shall be made unless such schedule is filled in by the Sub-Branch Secretary and approved by the S.M.C.

4. Requests for donations for purposes other than the relief of members shall be forwarded to the S.M.C., and shall contain full particulars of the purpose of the proposed donation.

Qualifications for Assistance

5. No member who has been less than three months in the Union shall be eligible for assistance from this fund, but in no case shall this fund be used for the payment of benefit to which a member is otherwise dis-entitled.

00197

RULE 17

APPRENTICES:

1. Candidates for this section must be proposed in the Sub-Branch meeting by adult members of the Union; they shall pay the usual entrance fee; they must have worked at the trade twelve (12) months, and be not less than sixteen (16) years of age.

Tool Benefit

2. Members of this section who have been in the Union twelve (12) months and are financial, shall be entitled to compensation for tools lost by fire or theft, or other ways that in the opinion of the Sub-Branch Committee entitle the member to benefit, to an amount equal to half that allowed to members of the General Section. No claim to be entertained if it is under five shillings (5/-).

The conditions relating to Tool Benefit in Rule 22 shall be complied with. They shall have the same privileges as other members.

Transfer to Full Membership

3. On attaining the age of 21 years or on the completion of their apprenticeship, they shall be transferred to full membership.

RULE 28

ALTERATION TO RULES:

Before alterations, amendments or additions to rules are dealt with by the S.M.C., Sub-Branches shall be requested to forward alterations, amendments, or additions to rules two months prior to the S.M.C. meeting convened to deal with such proposals and amendments, etc. Rules shall be submitted to a referendum of the whole of the members of the State by ballot.

RULE 29

REFERENDUM:

Upon request of a majority of Sub-Branches comprising a majority of the membership requesting a referendum upon any matter, the S.M.C. shall immediately take a referendum of the whole membership and should any such referendum be carried by a majority of members voting by ballot, the same shall be binding upon members of the Branch.

RULE 30

DISSOLUTION:

1. Whenever the number of members in this Union is reduced to twenty-one (21) by deaths or exclusions, a majority of the remaining members may, at meeting assembled at the Registered Office, finally dissolve the Union; subject to discharging all debts and liabilities legally incurred in the Union's name providing that when the amalgamation of Building Trade Unions is accomplished all funds and assets shall become the property of the Union formed by our amalgamation.

00198

RULE 31

STANDING ORDERS AND RULES OF DEBATE

Call to Speak

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

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

Motions

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

Amendment

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

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

Question be Now Put

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

Speak Only Once

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

Time Limit

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

Reply

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

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

President's Right to Speak

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

00199

Limit to Debate

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

Notice of Motion

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

Motion to Adjourn

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

Moving Dissent From Chairman's Ruling

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

How Put

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

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

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

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

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

00200

"THE TRADE UNION ACT OF 1915"

Certificate of Registration of Complete Alteration of Rules

Trade Union—Amalgamated Society of Carpenters and Joiners of Australia (Queensland Branch). Registered No. 62.

I HEREBY CERTIFY that the set of rules, copy whereof is appended hereto, has been registered under "The Trade Union Act of 1915" in substitution for the set of rules already registered for the Amalgamated Society of Carpenters and Joiners of Australia (Queensland Branch) Trade Union this twenty-first day of June, 1957.

(Signed) T. J. METCALF,
Acting Registrar of Trade Unions.

Registrars' Office,
Industrial Court,
Brisbane, 25th June, 1957.

The State Secretary,
Amalgamated Society of Carpenters and
Joiners of Australasia, Union of Employees, Queensland,
Trades Hall,
BRISBANE.

Dear Sir,

As required by Sub-Section (7) of Section 28 of "The Industrial Conciliation and Arbitration Acts 1932 to 1955", I have satisfied myself that the proposed alterations to the rules of the Amalgamated Society of Carpenters and Joiners of Australasia, Union of Employees, Queensland, forwarded under cover of your letter of 18th instant are not in conflict with the said Acts or with any Order or Award and I have accordingly registered same.

Yours faithfully,

(Signed) P. J. DAVIES,
Industrial Registrar.

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331.871
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1960

J. HARRIS

B.W.I.U.

• RULES

Building Workers' Industrial Union of Australia

Queensland Branch

AMALGAMATED SOCIETY OF CARPENTERS & JOINERS OF AUSTRALASIA

Queensland Branch

00202

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00204

Amalgamated Society of Carpenters and Joiners of Australasia

Union of Employees—Queensland Branch

RULES

RULE 1

NAME AND CONSTITUTION:

(1) The name shall be the Amalgamated Society of Carpenters and Joiners of Australasia, Queensland Branch (hereinafter referred to in these Rules as the Branch).
The Branch shall consist of an unlimited number of persons, whether male or female, employed or usually employed as carpenters or joiners, including ship carpenters or joiners together with such other persons, whether employees in the industry or not, as have been appointed officers of the Association and admitted as members hereof.

(2) The seal of the Branch shall be oval in shape inscribed in the outer edge the words "Amalgamated Society of Carpenters and Joiners of Australasia" and it shall have on the inner space the words "Queensland State Management Committee".

RULE 2

OBJECTS:

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

2. To regulate the conditions under which all members of the union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or Association, or Associations of Trade Unions, or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Sub-Branches or Sections of the Union throughout the State.

7. To further any scheme that has for its objects the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labor and Trade Union newspapers and wireless broadcasting stations, and to invest in shares in such newspapers and radio stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide Labor or Trade Union Organisation or Association.

10. To establish and manage a Union Journal.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

00205

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union

14. To render legal and other assistance to members for the recovery of wages or compensation for injuries, to protect the interests of the trade in all its Branches, and to assist other trades by any legal method.

15. To obtain such other objects as may from time to time be determined in accordance with these rules.

16. To organise the education of members.

RULE 3

ENTRANCE FEE:

1. The Entrance Fee shall be 20/- or any other sum, as the Sub-Branch or State Management Committee may decide, but not more than 40/-.

MEMBERSHIP:

2. Application for membership shall be on the form provided, signed by the applicant and two financial members, who shall first satisfy themselves that the applicant is a fit and proper person to enter the Union.

All Applicants for membership in the Union if residing within a three mile radius of the Sub-Branch where they apply, must, unless a satisfactory reason is given attend the Meeting at which their application is considered.

3. All applications for membership shall be lodged together with the amount of Entrance Fee with the Sub-Branch Secretary, or such other person authorised by the S.M.C. Applications for membership shall be dealt with by the Sub-Branch or the S.M.C., who shall, if satisfied with the bona fides and Trade Qualifications of the Applicant, admit him to membership of the Sub-Branch as from the date of the Receipt of his application form by the Sub-Branch Secretary, or other duly authorised person. The form of application for membership shall be as shown in Appendix 1 to these Rules.

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

5. Applicants for Membership shall be qualified workmen of good character and shall, when admitted to membership, enjoy all advantages of Membership so long as they comply with the registered Rules of the Union.

6. Any applicant who is a fully-paid up member of another Union, and who had previously been transferred from this Union to another Union, may be re-admitted on Clearance without Entrance Fee.

Any member entering this Union on Clearance from another Union, shall qualify for Benefits according to Rules.

7. Applicants shall, if possible, attend the next meeting of the Sub-Branch to which he makes application. Failure to attend shall not necessarily exempt the Candidate from election to membership.

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

9. All members shall be supplied with a copy of the Rules free of charge, but any member requiring a second copy shall be charged threepence (3d.).

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RULE 4

CONTRIBUTIONS

1. Contributions shall be 40/- per half-year, payable in advance, part of such Contributions shall be used for the payment of producing Union Journals, and of posting same to the address of each financial member.

One shilling of each 40/- Contributions shall be retained by each Sub-Branch as a Benefit Fund, which shall be governed by uniform Rules drawn up by the State Management Committee, and each Fund shall be subject to audit and a copy of the Statement of Half-Yearly Receipts and Expenditure forwarded to the State Office.

One shilling shall be paid into the Contingent Fund, and used for the purposes, and in the manner laid down in Rule 25.

Apprentices' Contributions and Entrance Fee.

2. Contributions by apprentices shall be two shillings and six-pence (2/6) entrance fee, and three shillings and sixpence (3/6) per half year for the first three years of apprenticeship, ten shillings (10/-) per half year for the fourth year of apprenticeship and fifteen shillings (15/-) per half year for the fifth year of apprenticeship.

Exemption from Contributions.

3. Sub-Branch Committees may grant exemption from Contributions to members who have been unemployed for more than Eighteen Weeks during any half year. Application for exemption must be made in writing with proof of unemployment being submitted.

Aged and Infirm Members

4. All members over 65 years of age who have had 25 years' continuous membership in the Union, who through physical infirmities, are unable to work continuously at the trade, may retain membership by paying 2/- per half year in advance, for which they shall be entitled to receive funeral benefit only, provided that this does not apply to members who are over 50 years of age when joining the Union. Members wishing to be placed under this Rule shall make application to the Sub-Branch Secretary.

When Unfinancial

5. Any member who fails to pay his contributions in advance on or before half-year night shall be deemed unfinancial. He shall not be entitled to any benefit, but 14 days' grace may be allowed.

Any member owing a half-year's contributions or more shall be suspended from Tool Benefit for two weeks from the date on which he makes himself financial. Provided that in a year in which ballots are conducted in accordance with Rule 19 of these rules a member shall be eligible to vote provided he is financial to the month of September in that year.

Entrance Between Half-Year Nights.

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

Recovery of Arrears.

7. If any member allows his arrears to amount to two half-years' contributions, due notice shall be sent to his last known address, and the State Management Committee shall take the necessary steps for the recovery of such arrears by legal process. All costs incurred in the recovery or attempted recovery of arrears of contributions shall be charged to the member concerned in addition to his arrears of contributions.

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Resignation.

8. A member may resign his membership:

(a) If he accepts employment in an industry other than that represented by the Organisation or

(b) On giving to the Sub-Branch Secretary three months notice and the payment of all dues to the date of his resignation.

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

10. Any member joining an Employers' Association or the staff of an Employer, and being employed on work other than that of a leading hand or Foreman or Carpenter or Joiner, shall at once have his name removed from the membership list. Failure to give notice to the Sub-Branch Secretary within four weeks of accepting such employment shall render the member liable to a Fine not exceeding Five Pounds (£5).

Funds the Property of the Members Generally.

11. All moneys subscribed by the members shall be the property of the Union in Queensland, and not of the Sub-Branches to which the members respectively belong, and shall be held for and devoted to the payment of benefits specified in these Rules, and carrying out the objects of the Union.

RULE 5

REMOVAL OF OFFICERS:

1. The State Management Committee shall be under the control of the members. Any officer or member of the S.M.C. being charged with neglect of duty, grave misconduct, or violation of the Rules of the Union may be suspended immediately by decision of the S.M.C. In case of an appeal against suspension the grounds for such suspension, together with the appeal of the officer suspended, shall, within two months of suspension, be fully set out, and submitted to the members for confirmation or rejection: such decision of the members to be final. Should there be no appeal against suspension the S.M.C. shall have power to dismiss the officer concerned. Appeals under this rule must be lodged with the Secretary of the Sub-Branch to which the member belongs within fourteen (14) days of suspension.

2. The State Management Committee or any officer may be removed from office by resolution carried on a ballot by a simple two-thirds majority of those voting of the members of the Branch, and in the event of any officer or members being removed from office an election must be held within one month of such removal from office in accordance with Rule 19.

RULE 6

BANKING AND EXPENDITURE OF FUNDS:

1. All moneys of the Union in Queensland shall be banked by the State and Sub-Branch Officers in the Commonwealth Bank of Australia, or such other Bank as the S.M.C. may decide.

2. All expenditure from the funds shall be in accordance with the Rules of the Union in Queensland and no expenditure shall be permitted for any purpose contrary to the objects of the Union in Queensland.

RULE 7

AUDIT OF ACCOUNTS:

The Account of the S.M.C. and Capital City Sub-Branch shall be audited yearly by a Public Auditor or Accountant. The Accounts of other Sub-Branches shall be audited half-yearly in the manner provided in Rule 12, Clause 16.

00208

RULE 8

REGISTERED OFFICE:

The Registered Office of the Union in Queensland shall be at the Trades Hall, Edward Street, Brisbane.

RULE 9

A register of members in the State shall be kept in the Registered Office.

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

RULE 10

STATE MANAGEMENT COMMITTEE

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

They shall appoint delegates to attend Federal Conference of the Building Workers' Industrial Union of Australia.

Qualification for S.M.C. and Period of Office.

2. The State Management Committee shall consist of seven members, one of whom shall be the State Secretary. Any three shall constitute a quorum. No member of less than three (3) years' continuous membership in the State of Queensland shall be eligible for election to the State Management Committee. They shall be elected and continue in office for a period of three (3) years.

The S.M.C. shall meet in the Trades Hall, Brisbane for the purpose of controlling the Union's business.

Any two members of the State Management Committee may by notice in writing addressed to the President require him to summon a special meeting of the State Management Committee.

3. The State Management Committee shall elect from its members a Branch President and a Branch Vice-President.

Duties—Branch President

The duties of the Branch President shall be as follows:—

(i) The Branch President shall preside at all meetings of the S.M.C., State or Special Conference, and at meetings convened by the State Conference or S.M.C.

(ii) He shall carry out such duties as may be assigned to him from time to time by the S.M.C., and by the State Secretary acting on their behalf.

(iii) He shall conduct the business in accordance with the standing orders and rules of debate.

(iv) He shall, upon the minutes being confirmed, sign the minute book in the presence of the meeting, and he shall have the meeting, by resolution, endorse or reject all accounts submitted for payment.

Duties—Branch Vice-President

The duties of the Branch Vice-President shall be as follows:—

(i) In the absence of the Branch President he shall carry out the duties of Branch President.

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S.M.C. Executive

4. In the event of the majority of a S.M.C. being resident at such distance from the Office of the S.M.C. as to make weekly or more frequent meetings of the S.M.C. impracticable the three members residing nearest to the Office of the S.M.C. shall form an Executive, two to form a quorum, which shall have such power as the S.M.C. may decide. The minutes of each Executive Meeting shall be immediately forwarded to each member of the S.M.C. and all Sub-Branches.

Secretary's Term of Office

5. The State Secretary shall be elected and remain in office for a period of three (3) years. He shall also be Secretary of the Capital City Sub-Branch, provided that should the income of the S.M.C. and Capital City Sub-Branch be insufficient to meet expenses, the services of the Secretary may be temporarily dispensed with at the discretion of the S.M.C., provided that when the Brisbane Sub-Branch income exceeds £2,000 they may appoint a Secretary-Organiser.

Delegation Approval

6. No Sub-Branch shall have the power to delegate any member on Union business for any period above one week in any half-year without first obtaining the approval of the State Committee. Any infringement of this Rule by any member or Sub-Branch shall be deemed misconduct, and members of Sub-Branches infringing this Rule may be fined by the S.M.C. any sum not exceeding £10. This Rule shall not affect the Rule allowing 10 per cent. of the Sub-Branch Income to be used for local organising.

Interpretation of Rules

7. The S.M.C. shall interpret all Rules requiring interpretation.

Legal Proceedings

8. The trustees of the Union after being authorised by the S.M.C. shall be empowered to take legal proceedings for recovery of arrears of contributions and fines, breaches of Awards and recovery of Accident compensation.

9. The State Committee may, provided the funds of the S.M.C. are sufficient to meet the additional expense, appoint one or more Organisers.

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

Control and Suspension of Members

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

The S.M.C. shall immediately notify the Sub-Branch to which the member belongs of its decision.

A fine imposed under this rule shall not exceed £5 nor shall any suspension from benefit exceed a period of three years.

Any action taken against a member shall be in accordance with the provisions laid down in Rule 16.

Transfer of Members

12. They shall have power at the request of a member to order the transfer of any member from any Sub-Branch under their jurisdiction, to any other Sub-Branch in Queensland, when, in the opinion of the S.M.C., such transfer is necessary to enable the member concerned properly to participate in the affairs of the Branch.

00210

13. They shall have power to grant donations from the Contingent Fund when application has been made in accordance with the provisions of Rule 28.

Aggregate Meetings

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

The S.M.C. shall have power to establish Sub-Branches of fifty or more members on a locality basis and of less than fifty members on an industry basis if, in the opinion of the S.M.C., the members' industrial interests warrant the formation of a Sub-Branch.

Delegates' Meeting

15. Whenever it is necessary to obtain the opinion of members in any district with five hundred (500) members and upwards, it may be done by special Summoned Meetings of the Sub-Branches in such district, when delegates shall be elected from each Sub-Branch in proportion to the Sub-Branch membership in accordance with the following scale: Under 100 members, one delegate; 100 and under 250 members, two delegates; 250 and upwards, three delegates; who shall be paid according to Rule 24.

Delegate Convention

16. (a) The S.M.C. shall convene at regular intervals not more than each two years (but at earlier intervals should it be deemed necessary) a State Delegate Convention consisting of delegates elected from Sub-Branches and jobs throughout the State and also comprised of members of the S.M.C. and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates, Sub-Branches and jobs may elect to attend such Convention shall be determined by the S.M.C. from time to time.

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

(d) The State Delegate Convention shall, from time to time, determine the policy of the Union to be observed by the membership and by the S.M.C.

(e) The State Delegate Convention may recommend that a referendum of the membership be taken on any rule or rules of the Union required to be submitted to a ballot of the membership.

Special Auditors

17. The S.M.C. may at any time appoint two Auditors to audit the books of any Sub-Branch or direct that the books be forwarded to the State Office for audit.

Control of Organisers

18. They shall have control over the Organisers, and shall have power to call on the Capital City Sub-Branch Secretary to perform any duty that may arise which does not interfere with his duties as Sub-Branch Secretary.

19. In districts where an Organiser-Secretary has been appointed or elected, he shall be under the control of the Sub-Branch he visits for organising purposes only, for the period allotted them by this District Committee.

20. No fully paid official other than the Secretary shall hold a position on the S.M.C.

S.M.C. Finance and Contingent Fund

21. The S.M.C. shall have control of the property in their State, and, in addition to the provision of Rule 4, Clause 11, shall draw from each Sub-Branch, Job Stewards and Organisers the total contributions, entrance fees and fines collected.

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

The State Management Committee may disperse monies for the purpose set out in the objects of the Union, and such funds may be invested from time to time in such manner as may be determined by the State Management Committee. No donation exceeding £100 shall be made from the Contingent Fund without the sanction of a majority of the Sub-Branches in Queensland.

Affiliation

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

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

Delegating Powers

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

Trustees

25. The S.M.C. shall elect from among their members three Trustees (any two with the State Secretary to operate) and a Branch President who shall have a deliberative vote only. They shall also elect delegates to Federal Conference and a Branch Returning Officer, who after applications have been called for the position shall be appointed by the S.M.C. for that purpose.

Elections by S.M.C.

26. (a) In any election by the S.M.C. the following procedure shall be observed:

(b) If all S.M.C. members are in attendance at the S.M.C. meeting at which the election is to be held, viz. in the case of the Branch President, Branch Vice-President and Trustees during the month of January following the triennial elections, in the case of delegates to Federal Conference at least one calendar month prior to the annual meeting of the Federal Conference and in the case of other positions as may be determined by the S.M.C., nominations shall be called and a ballot shall be held.

(c) In the election of delegates to Federal Conference, the Branch Returning Officer shall call for nominations by notice appearing one calendar month prior to the date of the S.M.C. meeting at which the election is to be held, in one daily newspaper circulating throughout the State of Queensland.
Nominations shall be in writing and signed by the candidate.
Nominations shall close fourteen days after the publication of the notice and if more than sufficient nominations are received the Returning Officer shall conduct the election at the next meeting of the S.M.C.

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(d) The Returning Officer shall obtain sufficient ballot papers and envelopes for the election. He shall have a booth arranged or constructed as to enable the voter to mark his ballot paper without the names for which such delegate voted being seen.

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

(f) Voting shall close one hour after the commencement of the meeting or at such times as all S.M.C. members have voted.

(g) The Returning Officer shall thereupon open the ballot box and in the presence of the S.M.C. members who desire to be present, proceed to count the ballot on the preferential system.

(h) In the case of an equality of votes for any two or more candidates, the Returning Officer shall determine by casting his vote which of the candidates is elected.

(i) The Returning Officer shall notify the S.M.C. of the result of the ballot and the S.M.C. shall publish same in the S.M.C. Minutes.

(j) Should a vacancy occur in any of the above positions the S.M.C. shall fill the position within one month. But if the term remaining is more than six months an election shall be held to fill the vacancy

In any such election the provisions of this rule shall apply with any necessary modifications.

(k) Should one or more members of the S.M.C. be absent from the meeting at which an election was to have been held, a postal ballot of all members of the S.M.C. shall be held within seven days of such meeting.

(l) In such election the Returning Officer shall immediately post to each S.M.C. member a properly initialled ballot paper on which no other distinguishing mark appears together with a business reply or stamped envelope for the return of same to the Post Office Box marked on the envelope.

(m) On the morning of the eighth day following the despatch of the ballot papers by the Returning Officer, the Returning Officer and the scrutineers appointed by the S.M.C. shall collect the ballot papers from the Post Office Box and then proceed to the Union Office where they shall count the ballot, using the preferential system.

(n) The Returning Officer shall notify the S.M.C. of the result of the ballot and the S.M.C. shall publish same in the S.M.C. Minutes.

(o) The S.M.C. shall appoint one of its members who is not a candidate as scrutineer and any candidate may appoint any member of the Branch to act as scrutineer on his behalf. Any scrutineer shall be entitled to be present at and to observe all stages of the ballot.

(p) Any accidental or unavoidable omission or error in the carrying out or observance of this Rule shall not invalidate the election if such omission or error appears not to have affected the result of an election.

(q) In any election the Returning Officer and scrutineers shall conduct themselves in a sober proper and impartial manner and do all things necessary to preserve the secrecy of the ballot.

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RULE 11

DUTIES OF SECRETARY OF THE STATE MANAGEMENT COMMITTEE—CONTROLLED BY S.M.C.

1. He shall be under the control of the S.M.C., and shall devote the whole of his working time to the business of the Union provided the S.M.C. income is sufficient to pay the salary provided in Rule 10, Clause 1.

He shall be the registered (State) Officer to sue or be sued on behalf of the Union in his State in regard to any legal matter within the State in which his S.M.C. has jurisdiction.

He shall keep a correct record of the members in his State and shall, when instructed by the S.M.C., sue for the recovery of arrears of contributions or other moneys due to the Union by the members in his State.

The State Secretary shall keep or cause to be kept proper books of accounts showing the receipts and expenditure of the Branch, and separate accounts of receipts from all Sub-Branches, and also correct records of all monies received or paid on account of any particular fund, and separate accounts of all management expenses and of all contributions on account thereof, as required by the Queensland Trade Union Act of 1915 and amendments thereof.

The State Secretary shall endorse all vouchers for payment certifying to their correctness, and shall prepare a balance sheet in accordance with Rule 11 (2).

The State Secretary shall submit to each meeting of the State Management Committee an interim statement of receipts and payments made up to the end of the week preceding the meeting.

Wages Boards

2. He shall attend to all Wages Board, Arbitration Court, and other legal matters coming within the jurisdiction of the S.M.C. He shall keep all books and documents necessary to a proper working of the office of the S.M.C. He shall prepare a half-yearly report and also a yearly balance sheet showing the income and expenditure for that term, and upon the same being audited and adopted by the S.M.C., he shall send a copy to the Sub-Branches over which the S.M.C. has jurisdiction.

He shall prepare and forward to the Registrar of Trade Unions all returns required by law.

Neglect of Duty

3. Should he fail to carry out his duties to the satisfaction of the S.M.C., he may be dealt with by such committee in the manner prescribed in Rule 8.

Resignation or Removal

4. In the event of his desiring to resign, he shall give at least one month's notice or be fined five pounds (£5). Upon resigning or being removed from office, according to Rule 8, he shall, within seven (7) days, deliver up to whatever person the S.M.C. may appoint, all books, documents and other property of the Union then in his possession. Before the books are handed over to his successor in office they shall be audited.

RULE 12

POWERS AND DUTIES OF SUB-BRANCHES:

1. For the convenience of members, Sub-Branches may be opened in any town in the State. No Sub-Branch shall be opened without the consent of the S.M.C. Each Sub-Branch shall have power to elect its own officers and with the consent of the S.M.C. generally control its own business.

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When Disbanded

2. In no case shall any Sub-Branch close or disband without the authority of the S.M.C., in which case all cash or other property shall be handed over to the S.M.C.

Visiting Members

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

Clearances

4. Any member entering a Sub-Branch by clearance shall not have a vote in that Sub-Branch until his clearance has been accepted by such Sub-Branch.

5. No Sub-Branch shall hold its meetings in licensed premises where alcohol is sold.

6. Sub-Branches shall accept a transfer for any member, and issue a transfer for any member who applies for same, subject to the provisions of Rule 15, Clauses 2 and 4, and all arrears of contributions shown on the clearance card sent from a Sub-Branch in one State to a Sub-Branch in another State shall be collected and retained by the Sub-Branch to which the members have been transferred.

7. Each Sub-Branch may obtain a room and a safe and/or steel cabinet and office equipment for the safe keeping of Union property provided the S.M.C. is advised of the cost of such facilities and has approved whatever payment is necessary to secure such facilities.

Interpretation of Rules

8. Should any Rules require interpretation, or be not clearly defined, they shall be sent to the S.M.C. for their decision. All such decisions shall be inserted in the minute book of the Sub-Branch.

Resolutions to S.M.C.

9. Resolutions to the S.M.C. shall be submitted in writing to the S.S.P., and the number of members present, and the numbers of votes for and against such resolution, shall be stated when the resolutions are sent to the S.M.C.

Correspondence Confidential

10. All communications or copies of correspondence from the S.M.C. shall remain the property of the Union and information relating to the same shall not be divulged to any outside body or bodies without first obtaining the sanction of the S.M.C.

Sub-Branches Allowed

11. In all country towns there shall be only one Sub-Branch. Each capital city shall have only one Sub-Branch, and no other Sub-Branch shall operate within a radius of five miles of the meeting place of the City Sub-Branch except with the consent of the S.M.C.

Sub-Branch Officers

12. Sub-Branches shall elect the Sub-Branch Committee. Sub-Branch Committee shall consist of President, Vice-President and Secretary and six committee men, one of whom may be an apprentice. Sub-Branches with more than 100 members may also elect a Money Steward and Door Keeper. The Sub-Branch Secretary may appoint Sick Stewards as they are required.

13. Any member neglecting the duties for which he is elected, shall, unless a satisfactory apology is furnished, be fined by his Sub-Branch or S.M.C., any amount not exceeding five pounds (£5).

14. Any officer of a Sub-Branch, member of a Committee, or delegate elected by such Sub-Branch, who is absent without a reasonable excuse from three consecutive meetings, shall be deemed to have vacated his seat and the Sub-Branch shall fill the vacancy

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Meetings: When Held

15. City Sub-Branches shall meet fortnightly to transact business. Suburban and Country Sub-Branches, with the consent of the S.M.C., may vary this Rule to suit their convenience. The time of opening and closing meetings to be at the discretion of each Sub-Branch.

16. The Books of each Sub-Branch shall be sent each half-year to the State Office for audit.

17. Sub-Branches shall have power to strike a levy of not more than £2 for purely local purposes, provided due notice thereof has been given to members and provided that two-thirds of the members voting shall decide in favour of the levy. Voting shall be by ballot of the members of the Sub-Branches concerned. In no circumstances shall any levy be imposed which would so operate as to impose a liability for levies in a sum exceeding £2 per annum on a member.

18. Any member residing within a three miles' radius of the meeting place of the Sub-Branch who fails to attend a Summoned Meeting shall be fined a sum not exceeding 5/-, unless a satisfactory excuse is tendered.

19. The Sub-Branch President and Secretary may and on requisition signed by ten per cent. of the members of the Sub-Branch shall call a special meeting of the Sub-Branch. No business shall be transacted at such a meeting other than the business set out in the requisition or in the notice calling the meeting.

20. Sub-Branch By-laws shall be registered under 'The Trade Union Act of 1915'. The precise location of all meetings at which the business of the Sub-Branch shall be conducted shall be published six months in advance in the notice published half-yearly for that purpose. Copy of each such half-yearly notice shall be filed forthwith with the Trade Union Registrar.

RULE 33

DUTIES OF SUB-BRANCH OFFICERS AND COMMITTEES:

(a) Sub-Branch President

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

Bank Book; Countersign Orders for Payments; Branch Resolutions

2. He shall sign the Sub-Branch minutes of the previous meeting, after they have been confirmed by the Sub-Branch. He shall examine the Sub-Branch bank book each meeting night (when such book is not held by the bank) and report to the Sub-Branch the result of each banking transaction, the record to be inserted in the Minute Book. He shall countersign all orders for payment of money authorised by the Sub-Branch, and all orders for remittances to the S.M.C. when requested to do so by the State Secretary, and for capitation fees due to the S.M.C. under Rule 16, Clause 21. He shall also cause to be recorded in the minute book the number voting for and against all suggestions for alteration of Rules, or resolutions intended for the S.M.C. and the numbers present when the vote is taken.

(b) Sub-Branch Secretary

Correspondence; Keep Account of Income and Expenditure; Clearances

1. The Sub-Branch Secretary shall attend all meetings of the Sub-Branch or Committee. He shall conduct all correspondence and

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take the minutes of Committee meetings. He shall be responsible for the collecting of contributions, fines, and other money due to the Union by members of his Sub-Branch. He shall keep a clear and correct account of all receipts and expenditure in connection with the Sub-Branch. He shall register carefully the name, age and residence of every member, and shall, within one month, forward to the State Secretary, correctly filled in registration cards for all members admitted into the Sub-Branch, and also transfer cards for all members leaving the Sub-Branch. He shall also notify the State Secretary of all resignations and deaths.

Balance Sheets

2. He shall prepare, in duplicate, a half-yearly balance sheet and report, setting out all income and expenditure incurred during the period covered by such balance sheet, one copy to be forwarded to the State M.C. within seven days after the half-yearly meeting. He shall close his books immediately after the first meeting night in June and December and the contributions for the next ensuing half-year shall be due and payable on the second meeting in the months of March and September. He shall give every facility to the Auditors to examine all books and papers in connection with the Sub-Branch. He shall read out to the Sub-Branch a fortnightly cash account. He shall be the custodian of the official stamp of the Sub-Branch, and be ex-officio member of all sub-committees, but shall not have a vote on any matter in which he is personally or financially interested.

Half-Yearly Summons

3. He shall supply all necessary advice to the State Office to enable it to advise the Sub-Branch members of the time, place and date of the half-year meeting, which shall be in March and September of each year and the second meeting of the month where fortnightly meetings are held and the State Secretary shall forthwith notify all Sub-Branch members thereof. He shall supply all details to the State Office to enable it to advise members in arrears. Special meetings of the Sub-Branch may be called as decided by the Sub-Branch. He shall perform all clerical and other duties appertaining to the position of the Secretary.

All Sub-Branch meetings called in accordance with this sub-clause shall be held at the place fixed by Rule 12 (2a) for conduct of the business of the Sub-Branch.

Suspended Members

4. Members who owe one year's arrears of contributions shall be regarded as having broken their continuity of membership which shall be suspended. The State Office shall be advised regarding such members. They shall not be included in returns of membership or recognised when computing the number of members in the Sub-Branch.

5. He shall accept all clearances (that are permitted) from other Unions, also transfers from other Sub-Branches or other States, and shall issue transfers for any members applying for same. He shall also transfer all members who do not comply with Rule 15, Clause 2, to the Sub-Branches nearest to which they reside.

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

Pay Benefits

6. He shall pay all benefits according to Rules 32 and 33, and he may be made to refund all expenditure that is made contrary to the provisions of these Rules.

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Resignation or Removal

1. In the event of resigning he shall give one month's notice, or be fined 10/-, except in the case of illness or removal from the town. On his resignation or being removed from office, or on demand of the S.M.C., or whomsoever they may authorise, he shall, within seven days, deliver up all books, documents and property of the said Sub-Branch to the S.M.C. or Trustee. Before the books are handed over to his successor in office they shall be audited.

Neglect of Duty

2. Should he fail to carry out any of his duties to the satisfaction of the Sub-Branch, it shall, upon the matter being reported, refer it to the Sub-Branch Committee, who shall investigate it and report to a subsequent meeting, which shall have power to deal with him according to the provisions of Rule 12, Clause 14.

(c) Vice-President

He shall record the minutes of all Sub-Branch and special meetings and shall preside over meetings in the absence of the Sub-Branch President.

(d) Doorkeeper

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

(e) Sub-Branch Finances

The funds of each Sub-Branch shall be banked as provided in the Rules.

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

(f) Sub-Branch Committee

In every Sub-Branch there shall be a Committee elected in accordance with Rule 12 (13) who shall meet when required on being summoned by the Sub-Branch Secretary, three to form a quorum. The President shall have a casting vote only, and the Secretary shall have no vote. The minutes of the proceedings shall be signed by the Chairman at the close of each meeting, and submitted to the next Sub-Branch Meeting for confirmation or otherwise. If necessary they shall examine and determine claims for lost tools. In the event of a member being charged with acting contrary to the policy of the Union the Sub-Branch Committee shall have power to refuse payment of any benefit to such member until the charge has been investigated by the S.M.C. and its decision conveyed to the Sub-Branch. They shall hear and decide all cases of appeal from a member against an officer of the Sub-Branch. Any member of a Sub-Branch Committee who is absent without reasonable excuse from three consecutive meetings shall be deemed to have vacated his seat, and the Sub-Branch shall fill the vacancy. The Committee shall meet at least once per half-year for the purpose of drawing up an Agenda and making a report of the half-year's work for the half-yearly meeting of the Sub-Branch.

(g) Sick Stewards

Sick Stewards shall, when instructed by the S-B.S. visit any member who is sick or who has met with an accident, and report to the next Sub-Branch meeting.

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(h) Returning Officers and Scrutineers

1. The Sub-Branch Returning Officer shall be responsible for the conduct of Sub-Branch elections. He shall procure all ballot papers, initial same, and issue to the member entitled to vote. He shall, if necessary, have a casting as well as a primary vote.

2. All ballot papers must be returned by 9 p.m. on meeting night and counted as soon as possible in the presence of two scrutineers. The result to be declared immediately count is complete.

3. Scrutineers shall attend all meetings at which elections are being conducted, and assist the S.-B.R.O. in all matters connected with the elections.

(i) Money Stewards

The Money Stewards shall attend the half-yearly Sub-Branch Meetings punctually at the time of commencing of business, and shall take money and issue receipts to members.

RULE 14

ELECTION OF SUB-BRANCH OFFICERS:

1. The election of all Sub-Branch Officers shall be held on the yearly meeting nights in March, which shall be by ballot of all members present at the meeting; no distinguishing figure or mark to be on ballot papers, same to be initialled by the Returning Officer.

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

3. Candidates for office shall be financial members of 12 months' standing in the State and shall be proposed and seconded by two financial members. Nomination shall be accepted on the meeting night prior to the date of election; failing nominations for any office on the night prior to the elections, nominations for such office may be accepted at the meeting on the night of election. All candidates shall give consent in writing or be present at the meeting when nominated. Nothing in this Rule shall apply to fully paid officers.

RULE 15

DUTIES OF MEMBERS:

1. No member shall call on or write to any S.-B.S. at the works where he is employed.

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

3. Members changing their residence and not informing the S.-B.S. in writing within three months of such change of address, unless a satisfactory reason is given, shall be fined not more than 2/6.

RULE 16

MISCONDUCT OF MEMBERS:

(a) Any member knowingly violating any registered rule of the Union may be fined a sum not exceeding £5 by the Sub-Branch. Should, however, the matter be referred to the State Management Committee, they shall have power to fine the member an amount not exceeding £5, expel him from membership or suspend him from benefit for a period of not more than six months for such an offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer, may be fined a sum not exceeding 20/- and should he persist, the Presiding Officer shall have power to call on the members to expel him from such meeting until such time as the fine is paid and an apology is tendered for such conduct.

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(c) A member shall not take any grievance in which he is personally concerned to any person or persons outside the Union prior to the case being dealt with by the responsible body, in accordance with these Rules. This rule shall not preclude a member from exercising any rights under any relevant law of the State or Commonwealth.

(d) It shall be competent for the State Management Committee to inflict a fine not exceeding £5, suspend from benefit for a period not exceeding three years, or expel from the Union a member upon satisfactory proof that such member has refused to comply with its decision or has knowingly acted contrary to the interests of the Union, or has knowingly by his conduct brought the Union into discredit.

(e) Charges under these Rules shall be made in writing within one month of the discovery of the incident to which it refers, to the Sub-Branch or State Management Committee. The member so charged shall be summoned to attend a meeting of Sub-Branch Committee or State Executive, or State Management Committee, by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be sufficient if posted to his last known place of abode not less than five days before the date of such meeting. At the appointed time and place the charge shall be investigated, either by the Sub-Branch or State Executive or State Management Committee, whether or not the member shall be in attendance. The decision of the Sub-Branch or Executive shall be binding on the member, subject to the right of appeal to the State Management Committee whose decision shall be final in all matters whether by appeal or otherwise. All meetings, in accordance with this sub-clause, shall be held at the place, fixed by the Registered Rules for the conduct of the business of the Branch or Sub-Branch.

(f) Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with by the State Management Committee provided that the maximum fine that may be imposed shall not exceed £5.

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

(h) No member, or members conjointly, shall issue any circular to the members of Sub-Branches on any matter without the consent of the S.M.C. Inter-communication between Sub-Branches shall be allowed on all matters in relation to the Union, provided a copy is submitted to the S.M.C. 14 days before the matter is sent.

RULE 17

PAYMENT AND RECOVERY OF FINES:

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

RULE 18

APPEALS OF MEMBERS AND SUB-BRANCHES AND S.M.C.:

Right of Appeal

1. Any member finding himself aggrieved against the actions or decisions of the officers or members of the Union may, in the case

of any grievance, appeal to his Sub-Branch for redress, and, if still aggrieved, he may further appeal to the S.M.C. within one month, whose decision shall be final and such decision must be conveyed to those concerned.

Not to Furnish Other Evidence

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

When Not Considered

3. The S.M.C. shall not consider any appeal from any member whose total dues to the Union amount to twelve months' contributions or more.

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

Sub-Branch Appeals

5. Should any Sub-Branch appeal against the decision of the S.M.C. closing or suspending the functioning of a Sub-Branch the decision shall not take effect until the appeal is decided by the State Delegate Convention in meeting assembled or by postal vote of Convention delegates.

RULE 19

ELECTION OF STATE SECRETARY, S.M.C. MEMBERS AND ORGANISERS:

(1) Any member of the Branch who is financial and has at the time of nomination not less than three year's continuous membership may nominate for any of the positions named at the head of this Rule No member shall be a candidate for two or more offices that if elected to, he would be unable to hold at the same time.

(2) The term of office for the above positions shall be three years.

(3) Nominations, which must be in writing, signed by the Candidate and endorsed by two financial members, shall be in the hands of the Branch Returning Officer, not later than the last day in September following the calling of nominations.

(4) Nominations for the various offices falling vacant shall be called by the Branch Returning Officer on or before the last day of August in every third year, commencing on and from August 1964, notice of which nominations shall appear in the Queensland "Building Workers Journal" posted to each member 28 days before closing date.
All Sub-Branches shall be notified by circular of the closure date for nominations for the election of officers named at the head of this rule and such Sub-Branches shall be supplied with nomination forms twenty eight days before the closing date for such nominations.

(5) If only sufficient nominations are received to fill any vacancy, the Returning Officer shall thereupon declare the person so nominating elected.

(6) If more nominations than there are vacancies are received, the Returning Officer shall arrange for the names to be drawn in a Ballot in the presence of the State Management Committee and such names shall be placed on the Ballot Paper in the order in which they are so drawn.

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(7) The State Secretary shall provide the Returning Officer with a certified list of members entitled to vote in the election not later than ten days after the closing of nominations. Such lists shall be available at the Union Office for perusal by any Scrutineers or Members entitled to vote at the said election. Notice of the availability of the list shall be published in the Daily Press on the day it becomes available.

(8) The Returning Officer shall post to each Member entitled to vote, i.e., financial in terms of Rule 4, Clause 5, a Ballot Paper properly initialled, together with printed Business Reply Envelopes for return of same not later than the last day in October, after the closing date of Nomination.

(9) All Ballot Papers shall be posted by the Member voting in time for same to reach the Returning Officer not later than the fourteenth day of November following despatch of Ballot Papers

(10) All Ballot Papers shall be returned to the Returning Officer, c/o the Post Office Box named on the Business Reply Envelope. The Post Office Box to which the Ballot Papers are to be returned shall be hired by the Returning Officer prior to the despatch of Ballot Papers or if the Box has been previously hired, he shall cause the lock to be changed.
The key to such Box shall be picked up by the Returning Officer at a time, reasonable notice of which has been given to the Scrutineers, and deposited with the Bank at which the Branch Account is held.
The Returning Officer shall each day, at a time reasonable notice of which has been given to the Scrutineers pick up the key to the Post Office Box from the Bank in which it is deposited, collect the returned Ballot Papers from the Post Office Box and deposit them in the Ballot Box. Such Ballot Box shall be kept at the Bank at which the Branch Account is held for the time being, and shall prior to the commencement of the ballot, be held by the Returning Officer and may be sealed by any Scrutineer. After placing the Ballot Papers in the Box, the key to the Post Office Box shall be deposited at the Bank. The Ballot Box shall be picked up by the Returning Officer at a time, reasonable notice of which has been given to the Scrutineers and taken to the Union's rooms and be opened in the presence of Scrutineers and the count shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the Ballot Box, to which any seals may be affixed by a Scrutineer.

(11) The Returning Officer shall proceed to count the ballot on the preferential system, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the Ballot shall be completed not later than the first day of December following the closing of the Ballot.

(12) In the case of an equality of votes for any two or more candidates, the Returning Officer shall determinate by casting his vote which of the candidates is elected.

(13) Two Scrutineers who are not candidates shall be elected by the State Management Committee not later than the last day in November to assist the Returning Officer in the conduct of the Ballot.

(14) The Returning Officer shall notify the State Management Committee of the result of the Ballot and the State Management Committee shall issue instructions for the publication of same in their minutes and the "Building Workers' Journal" and/or "Building Worker." He shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area.

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(15) The successful candidates shall take up their respective duties not later than the first working day of January following the conclusion of the Ballot and shall remain elected until their successors take up office.
A successful candidate who fails to take up his position on or before the above date shall, unless a reasonable cause to the satisfaction of the State Management Committee be shown, be deemed to have resigned, and shall not be eligible to nominate for any office for a period of four years.

(16) Should a vacancy occur in any of the above mentioned offices, the State Management Committee shall fill the position within one month if the term remaining is not more than twelve months.
If the term remaining is more than twelve months, an election shall be held in accordance with these Rules to fill the vacancy.

(17) Any candidate may appoint a Scrutineer who shall be entitled at the expense of the candidate to be present at any stage of the Ballot.

(18) Any accidental or unavoidable omission or error in the carrying out or observance of this Rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(19) In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the Ballot, and shall conduct themselves in a sober, proper and impartial manner.

RULE 20

ORGANISERS:

1. The S.M.C. shall not less than two months prior to the closing of nominations as prescribed in Rule 19, determine the number of organisers to be elected.

The Organisers shall be under the control of the S.M.C. and shall when required, attend meetings of the S.M.C. They shall perform such organising duties as may be required and shall visit shops and jobs where members of the Union and other workers eligible to join are employed and endeavour to enrol new members. They shall cooperate with all Shop and Job Stewards and Sub-Branch Secretaries, and carry out organisational work in any part of the State as directed by the S.M.C.

State Organisers may be elected and remain in office for a period of three years, provided that if the funds are insufficient to meet the half-yearly expenditure, their services may be temporarily dispensed with at the discretion of the S.M.C.

The S.M.C. may appoint Temporary Organisers for a period not exceeding six (6) months; the duties of Organisers to be determined by the S.M.C.

2. Any Sub-Branch may, subject to the consent of the S.M.C., appoint a local Organiser for a period of not exceeding six months. An amount equal to 10 per cent of the previous half-year's income may be used for this purpose. This amount may be subsidised by the S.M.C. on application by the Sub-Branch.

RULE 21

SHOP STEWARDS:

For the convenience of members, Shop or Job Stewards may be appointed by Sub-Branches within the district under their control.

Should any Shop or Job Steward be victimised, or be reasonably supposed to be victimised, from carrying out any duties to the Union, the S.M.C. shall take all necessary steps to see that the member is compensated for any loss he may incur.

RULE 22

TOOL BENEFIT:

1. All members who have been in the Union for twelve (12)

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months and are financial at the time of such loss, shall be entitled to compensation for tools lost by fire, theft, or in any other way that, in the opinion of the Sub-Branch Committee, will entitle them to benefit, to the amount of twenty pounds (£20) in any one claim, but no claim for Tool Benefit shall be entertained if it be under twenty-five shillings (25/-).

2. The maximum amount payable to any member for Tool Benefit shall not exceed twenty pounds (£20) in any period of 12 months.

Not Paid in Money

3. No tool claim shall be paid in money, although it shall not be imperative for any Sub-Branch to supply members with similar tools to those which have been lost, provided that the value of the tools supplied does not exceed the amount required in order to replace the lost tools. If the lost tools are recovered, the new ones shall be returned to the Sub-Branch to be disposed of at the discretion of the Sub-Branch.

Reporting Loss

4. Members claiming shall report the loss at the police station nearest to the job, and shall obtain the signature of the police officers on a form provided by the Branch Secretary as an acknowledgement of such report. A properly priced list shall be lodged with the Sub-Branch Secretary within seven days accompanied by a statutory declaration signed by a Justice of the Peace. The Sub-Branch Secretary shall ascertain from the police whether such loss has been reported.

5. Members claiming tool benefit shall attend the Sub-Branch meeting at which the claim is being considered unless reasonable excuse is forwarded.

Loss By Enemy Action

6. Nothing in this Rule shall render the Union liable to compensate any person for loss of any tools by him as a result of enemy or belligerent action.

RULE 23

FUNERAL ALLOWANCE

1. The Union shall pay out of its funds a funeral allowance to the representatives of deceased members who have been members for a period of twelve months. On the death of a member who does not owe more than one half-year's contributions, a sum of money in accordance with the appended scale of funeral allowances shall be paid to his widow, next of kin, or nominee, or whomsoever may, in the opinion of the Union, prove to have an equitable claim to it, provided that at the time of such member joining the Union he was not over fifty (50) years of age. Provided, however, that this provision shall not apply to any member who joined the Union prior to its amalgamation. In the event of a member dying, and there being no widow, next of kin, or nominee discovered to whom the Union may deem it just to pay the funeral allowance, the Union shall defray the cost of decent interment of the remains of such a member, and should the circumstances of such a case induce the Union to inter the remains and a claimant to the funeral allowance afterwards arise and prove his or her claim, the Union shall deduct from the amount of such claim, all the expenses it may have been put to on account of the interment, and pay the balance, if any, to the claimant.

2. Scale of Funeral Allowances:—On the death of a financial member who has been a member of the Union for twelve (12) months, the funeral allowance shall be one pound (£1), and shall increase at the rate of one pound (£1) per annum, the maximum to be twenty pounds (£20).

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RULE 24

SALARIES OF OFFICERS

The State Management Committee shall from time to time set down a scale of payments for Sub-Branch Secretaries, Sub-Branch Presidents, Vice-Presidents, Delegates, Money Stewards, Sick Stewards, Sub-Branch Committees, Returning Officers and Deputy Returning Officers, Scrutineers, and clerical assistance, provided that when such scale is determined, it shall be registered under the Trade Union Act and the Industrial Conciliation and Arbitration Act as part of the Rules of the Union.

RULE 25

OFFICERS' HOLIDAYS:

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

RULE 26

CONTINGENT FUND:

Banked by S.M.C.

1. All money collected for the Contingent Fund shall be forwarded by the Sub-Branch Secretaries to the S.M.C. each half-year, at the same time as the dues, under Rule 10, Clause 21, are remitted, and shall be banked by the S.M.C. in the name of the Union in a separate account.

How Used

2. The Contingent Fund shall be used for the purpose of relieving cases of distress amongst members that are recommended by the Sub-Branches to and approved of, by the S.M.C. It may be used for assisting our own or any other trade.

Applications to S.M.C.

3. All applications for donations to members shall be on a schedule provided by the Union, and no donation shall be made unless such schedule is filled in by the Sub-Branch Secretary and approved by the S.M.C.

4. Requests for donations for purposes other than the relief of members shall be forwarded to the S.M.C., and shall contain full particulars of the purpose of the proposed donation.

Qualifications for Assistance

5. No member who has been less than three months in the Union shall be eligible for assistance from this fund, but in no case shall this fund be used for the payment of benefit to which a member is otherwise dis-entitled.

RULE 27

APPRENTICES:

1. Candidates for this section must be proposed in the Sub-Branch meeting by adult members of the Union; they shall pay the usual entrance fee; they must have worked at the trade twelve (12) months, and be not less than sixteen (16) years of age.

Tool Benefit

2. Members of this section who have been in the Union twelve (12) months and are financial, shall be entitled to compensation for tools lost by fire or theft, or other ways that in the opinion of the Sub-Branch Committee entitle the member to benefit, to an amount

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equal to half that allowed to members of the General Section. No claim to be entertained if it is under five shillings (5/-).

The conditions relating to Tool Benefit in Rule 22 shall be complied with. They shall have the same privileges as other members.

Transfer to Full Membership

3. On attaining the age of 21 years or on the completion of their apprenticeship, they shall be transferred to full membership.

RULE 28

ALTERATION TO RULES:

Any alteration, recision or new rule regarding contributions, tool benefit or funeral benefit must be submitted to a ballot of financial members of the Branch.

Other rules may be altered or rescinded or new rules added by a majority of delegates to a State Delegate Convention as provided for by Rule 10 (18) of these Rules.

Provided that alterations of rules are submitted by Sub-Branches or State Management Committee and such proposals are forwarded to all Sub-Branches not later than three months before the opening day of Delegate Convention and subsequently forwarded with the notice calling the State Delegate Convention and in the hands of delegates not later than seven days prior to the opening of such Convention.

Provided that a State Delegate Convention may alter rules of which previous notice has not been given subject to two-thirds of the delegates voting in favour of the alterations.

Provided further that alterations to rules of an urgent nature may be made by a postal ballot of Convention Delegates to determine for or against the adoption of the alterations.

RULE 29

REFERENDUM:

Upon request of a majority of Sub-Branches comprising twenty-five per cent. of the membership requesting a referendum upon any matter, the S.M.C. shall immediately take a referendum of the whole membership and should any such referendum be carried by a majority of members voting by ballot, the same shall be binding upon members of the Branch.

RULE 30

DISSOLUTION:

1. Whenever the number of members in this Union is reduced to twenty-one (21) by deaths or exclusions, a majority of the remaining members may, at meeting assembled at the Registered Office, finally dissolve the Union; subject to discharging all debts and liabilities legally incurred in the Union's name providing that when the amalgamation of Building Trade Unions is accomplished all funds and assets shall become the property of the Union formed by our amalgamation.

RULE 30 (A)

DEFINITIONS

Preferential Voting

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

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all

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those papers on which a first preference is indicated for the same candidate.

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

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

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

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

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

RULE 31

STANDING ORDERS AND RULES OF DEBATE

Call to Speak

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

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

Motions

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

Amendment

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

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

Question Be Now Put

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

Speak Only Once

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

Time Limit

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

Reply

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

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

President's Right to Speak

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

Limit to Debate

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

Notice of Motion

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

Motion to Adjourn

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

Moving Dissent From Chairman's Ruling

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

How Put

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

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

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

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

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

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APPENDIX 1

PARTICULARS ON FORM AS PRESCRIBED BY RULE 3.

(Surname) (Christian Name)

Write plainly, and write surname in BLOCK type.

BUILDING WORKERS' INDUSTRIAL UNION OF AUSTRALIA
Amalgamated Society of Carpenters and Joiners of Australasia

PROPOSITION AND ADMISSION FORM

.....Sub-Branch

I, the undersigned, aged.....years, of.....

.....in the State of .....

on the.....day of..... 19 .., do hereby agree to become a member of the Building Workers' Industrial Union of Australia (Amalgamated Society of Carpenters and Joiners of Australasia) and agree to conform to the Laws and Rules of the said Union.

Signed.....

The abovenamed was admitted as a member of the said Union on the .....day of.....19.....

Proposed by .....President

Proposed by.....Secretary

(See Over)

(DO NOT FOLD OR CREASE THIS CARD)

(Reverse side of Proposition and Admission Form)—

HISTORY

1. Have you previously been a member of the A.S.C.J. or B.W.I.U.?

State Particulars.....

.....

Are you a member of any other Industrial Union?

State Particulars .....

.....

Apprentices State Date— * Completed Trade.
* Entered Trade.
* Strike out which is not applicable.

TRANSFERS

BRANCH TRANSFERRED TO	DATE	ADDRESS

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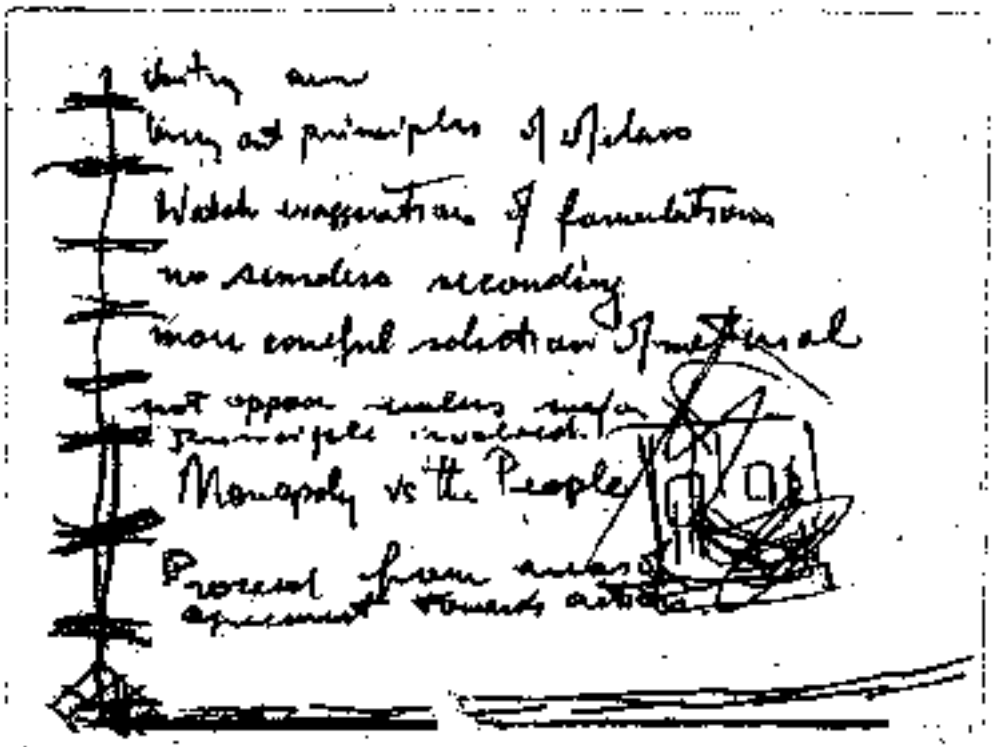
Monopoly vs the People

BUILDING WORKERS INDUSTRIAL UNION OF AUSTRALIA - QUEENSLAND BRANCH

AMALGAMATED SOCIETY OF CARPENTERS AND JOINERS OF AUSTRALASIA - QUEENSLAND BRANCH

ALTERATION OF RULES

SINCE the May 1960 State Delegate Convention there have been a number of changes to the Union's rules, all of which have been constitutionally carried.

(a) THE CHANGES TO THE RULES carried by the May 1960 State Delegate Convention are included in the Rule Book in the Delegates folders. This Rule Book was re-printed with all alterations registered up to August 1960.

(b) DURING JANUARY 1961 and by a majority vote (that is by more than a two-thirds majority) of the Delegates to the 1960 State Delegate Convention, the following new paragraph was added to Rule 10 State Management Committee Clause 25.

"The property and finance of the Branch shall be vested in the names of the three trustees. The funds of the Branch shall be banked in the manner prescribed in Rule Six (6). On a written authority, signed by the Branch President and the Branch Secretary, any two of the three trustees shall sign cheques for such sums as may be voted by the State Management Committee Executive in accordance with these Rules. Such cheques to be countersigned by the Branch Secretary.

The trustees shall have all powers and immunities conferred on such trustees by Trade Union Acts."

This change in Rule 10 Clause 25 was necessary to meet the requirements of Federal Registration and it was subsequently registered by the Industrial Registrar to the State Industrial Court.

* It will be noted further on that the Clause above has again been changed slightly; this to meet additional requirements of Federal Registration.

(c) IN FEBRUARY 1961 the membership in a postal ballot and by a large majority of those voting, voted:

To Change Rule 4, Contributions to provide for contributions of £3. per half year;

To Change Rule 22, Tool Benefit to provide a maximum of £30. in any one claim and year;

To Change Rule 23, Funeral Allowance to provide a maximum allowance of £25. with the present Funeral Allowance of 20/-d. per annum being raised to 25/-d. per annum.

These changes to the Rules, although carried by a big majority of the membership who voted have not yet been registered by the Industrial Registrar to the State Industrial Court. Delegates are aware of the reason for this.

(d) DURING FEBRUARY 1962 the Delegates to the 1960 State Delegate Convention, by a more than two-thirds majority vote, made minor changes to a number of Union Rules. ALL OF THESE CHANGES WERE TAKEN ON THE ADVICE OF THE UNION'S FEDERAL LEGAL ADVISORS, AND AFTER RECEIVING THE CONSENT OF THE COMMONWEALTH INDUSTRIAL REGISTRAR, AND THEY WERE ALL ESSENTIAL TO MEET THE REQUIREMENTS OF FEDERAL REGISTRATION AND TO MEET OBJECTIONS TO SUCH REGISTRATION.

The changes in the Rules referred to in (d) are now set out in detail.

RULE 1. NAME AND CONSTITUTION

From Clause 1. Delete the first paragraph and in lieu thereof insert the following -

"The name shall be the Amalgamated Society of Carpenters and Joiners of Australasia, Queensland Branch (hereinafter referred to in these Rules as the Branch).

"This Rule shall operate as from the fourteenth day of December 1960."

RULE 4. CONTRIBUTIONS

From Clause 7. Delete the following -

"All costs incurred in the recovery or attempted recovery of arrears of contributions shall be charged to the member concerned in addition to his arrears of contributions."

Clause 10. Delete the clause and in lieu thereof insert the following -

"A member who joins an employers' Association shall resign immediately he joins such organisation."

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From Clause 11. Delete the words -

"in Queensland."

RULE 5. REMOVAL OF OFFICERS

Clause 1. After the letters S.M.C. on the fourth line insert the following -

"Prior to such suspension such officer or member shall be given particulars of the charge laid against him and a reasonable opportunity of being heard in his defence."

Clause 2. Add the following -

"In any ballot there shall be sent to every member entitled to vote, a statement not exceeding 600 words by the person or persons proposing the removal and a statement not exceeding 600 words by the officer or officers or the State Management Committee proposed to be removed."

RULE 6. BANKING AND EXPENDITURE OF FUNDS

From Clause 2. Delete the words "in Queensland" where appearing.

RULE 7. AUDITS OF ACCOUNTS

Delete this rule and in lieu thereof insert the following -

"The S.M.C. shall appoint annually a competent person as its auditor who shall have full and complete access to all the books and documents of the Branch. Such person shall audit annually the accounts of the Branch and of the Capital City Sub-Branch. The accounts of the other Sub-Branches shall be audited half yearly in the manner provided in Rule 12 Clause 16.

"A competent person, within the meaning of this Rule shall be a person other than a member of the organisation or branch who is registered under a law of a State or Territory of the Commonwealth providing for the registration of Public Accountants or a person who is licensed or registered as an Auditor under the law of a State or Territory of the Commonwealth relating to Companies."

RULE 10. STATE MANAGEMENT COMMITTEE

Clause 1. From the last paragraph delete the word "appoint" and in lieu thereof insert the word "elect".

Clause 25. Delete the words "Trade Union Acts" and insert the word "Statute".

Clause 26(b). Add the following -

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

Clause 26(c). Add the following -

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

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

"If any scrutineers or scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed none the less."

RULE 16. MISCONDUCT OF MEMBERS

Clause (c). Delete clause.

Clause (d). Delete all words after the word "decision" on the fifth line.

Clause (e). After the words "five days" on the ninth line insert the following -

"or in the case of a member whose last known place of abode is situate more than 100 miles from Brisbane, not less than ten days."

At the end of Clause (e). Add the following -

"A member may, if he desires, make his answer to the charges in writing."

Clause (h). Delete clause.

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RULE 18. APPEALS OF MEMBERS AND SUB-BRANCHES AND S.M.C.

Clause 3. After the word "appeal" on the first line insert the words -

"for assistance pursuant to Rule 26."

RULE 19. ELECTION OF STATE SECRETARY, S.M.C. MEMBERS AND ORGANISERS

Clause 19. Add the following -

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

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

"If any scrutineers or scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nope the less."

RULE 30. DISSOLUTION

Delete all the words after the word "name" on the third last line and in lieu thereof insert the following -

"and shall pay any balance to the Building Workers' Industrial Union of Australia."

* See reference to this in (b), first page.

- 16th May, 1962.

TYPES OF AMENDMENTS: There are four types of amendments proposing different procedures:

1. To leave out certain words

2. To leave out certain words in order to insert or add others

3. To insert or add certain words (our famous addendum).

4. To leave out all the words after the first word "that" and, to substitute others with a different meaning.

AMENDMENTS: Several amendments may be moved to the same original motion, but each one must be moved, seconded and discussed separately. They may be withdrawn only under the same conditions which apply to motions. Only one amendment can be placed before the meeting at any one time, and each one must be disposed of before the next one is debated. All amendments are voted on before the motion is put to the vote.

CONTENT OF AMENDMENTS: Amendments must not conflict with decisions already made. They must be relevant to the subject matter of the original motion, and not introduce extraneous ideas. They must not be frivolous, and make nonsense of the motion by leaving out a vital section.

They must not be a direct negative, but they may offer an alternative proposal, which differs entirely in policy from the original motion, unless it is a motion on notice.

POINT OF ORDER - WHEN RAISED: A point of order should be raised immediately the suspected breach occurs. When someone rises to a point of order, the member speaking should resume his seat till the question is settled, and the time occupied by this procedure should not be counted in the speaking time allotted to him.

POINT OF ORDER - HOW TO BE PUT: The member making the point of order should put it in the form of a question. He should rise and say: "Mr. Chairman, is it in order that the speaker.....?" He should state his objections briefly, and not make a speech.

POINTS OF ORDER - GROUNDS:

1. That the offending speaker is going beyond the scope of the question.

2. That he is using offensive language.

3. That he is breaking some rule of the society.

4. That he is infringing standing orders or some accepted rule of debate.

POINTS OF ORDER - MUST NOT BE MISUSED: Members cannot take a point of order merely because the speaker says something they object to, or that they consider incorrect.

POINTS OF EXPLANATION: If a member's remarks are misquoted, or grossly distorted, he may rise, and ask permission of the Chairman to make a point of explanation. He should confine himself to correcting the statements wrongly attributed to him, and not proceed to make a speech.

A point of explanation is only made by courtesy of the Chairman and of the meeting, and this procedure should only be used to clear up vital questions.

A point of explanation must not interrupt another speaker.

Anyone who defies the orders of the Chair and continues to disrupt the meeting, should be NAMED BY THE CHAIRMAN and ordered to withdraw from the meeting, or otherwise dealt with according to rules.

WHAT IS MEANT BY "AN OFFENSIVE EXPRESSION?": "An offensive expression" means offensive words used with reference to another member, or words used that are considered objectionable by the Chairman. These include:

"The imputation of bad motives; misrepresenting the language of another, or accusing him in his turn of misrepresentation; charging him with falsehood or deceit; or contemptuous or insulting language of any kind.

All offensive words must be withdrawn, and upon an ample apology being made which shall satisfy both the meeting and the member to whom offence has been given.

USE OF AN OFFENSIVE EXPRESSION: If the offensive expression is not at once withdrawn when ordered by the Chairman, the Chairman should declare the offending member guilty of disorderly conduct, and require the meeting to deal with him.

A member of an organised body declared guilty of disorderly conduct may be punished, on resolution of the meeting:

(1) By being ejected from the meeting

(2) By being suspended for a fixed period from attending meetings, or until he offers a satisfactory apology.

(3) By being fined.

SHOULD THE CHAIRMAN OMIT TO NOTICE USE OF AN OFFENSIVE EXPRESSION:

On default of the Chairman a member may move that the words be taken down. This is a motion that must be moved at once, or when the member using the words has resumed his seat, but before any other member addresses the Chair.

The member who desires words to be taken down must repeat the words to which he objects, and state them exactly as he conceives them to have been spoken.

When the motion has been moved, the Chairman will ask: "Is it the pleasure of the meeting that the words be taken down?". Should the meeting decide that the words shall be taken down the Chairman will give the necessary order, or take down the words himself. The words having been taken down, the offender is held to be guilty of disorderly conduct; and the Chairman will then call on some member to move a motion in regard to the offence.

VOTING: Voting will be by the voices, or by show of hands, unless a division is demanded and such demand is supported by at least one-third of the members present at the meeting.

A QUESTION should be straight to the point and not a speech.

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BUILDING WORKERS INDUSTRIAL UNION OF AUSTRALIA - QUEENSLAND BRANCH

AMALGAMATED SOCIETY OF CARPENTERS AND JOINERS OF AUSTRALASIA - QUEENSLAND BRANCH

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"The property and finance of the Branch shall be vested in the names of the three trustees. The funds of the Branch shall be banked in the manner prescribed in Rule Six (6). On a written authority, signed by the Branch President and the Branch Secretary, any two of the three trustees shall sign cheques for such sums as may be voted by the State Management Committee Executive in accordance with these Rules. Such cheques to be countersigned by the Branch Secretary.

The trustees shall have all powers and immunities conferred on such trustees by Trade Union Acts."

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(c) IN FEBRUARY 1961 the membership in a postal ballot and by a large majority of those voting, voted:

To Change Rule 4. Contributions to provide for contributions of £3. per half year;

To Change Rule 22. Tool Benefit to provide a maximum of £30. in any one claim and year;

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To Change Rule 23, Funeral Allowance to provide a maximum allowance of £25. with the present Funeral Allowance of 20/-d. per annum being raised to 25/-d. per annum.

These changes to the Rules, although carried by a big majority of the membership who voted have not yet been registered by the Industrial Registrar to the State Industrial Court. Delegates are aware of the reason for this.

(d) DURING FEBRUARY 1962 the Delegates to the 1960 State Delegate Convention, by a more than two-thirds majority vote, made minor changes to a number of Union Rules. ALL OF THESE CHANGES WERE TAKEN ON THE ADVICE OF THE UNION'S FEDERAL LEGAL ADVISORS, AND AFTER RECEIVING THE CONSENT OF THE COMMONWEALTH INDUSTRIAL REGISTRAR, AND THEY WERE ALL ESSENTIAL TO MEET THE REQUIREMENTS OF FEDERAL REGISTRATION AND TO MEET OBJECTIONS TO SUCH REGISTRATION.

The changes in the Rules referred to in (d) are now set out in detail.

RULE 1. NAME AND CONSTITUTION

From Clause 1. Delete the first paragraph and in lieu thereof insert the following -

"The name shall be the Amalgamated Society of Carpenters and Joiners of Australasia, Queensland Branch (hereinafter referred to in these Rules as the Branch).

"This Rule shall operate as from the fourteenth day of December 1960."

RULE 4. CONTRIBUTIONS

From Clause 7. Delete the following -

"All costs incurred in the ~~recovery or attempted recovery~~ of arrears of contributions shall be charged to the member concerned in addition to his arrears of contributions."

Clause 10. Delete the clause and in lieu thereof insert the following -

"A member who joins an employers' Association shall resign immediately he joins such organisation."

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From Clause 11. Delete the words –

"in Queensland."

RULE 5 – REMOVAL OF OFFICERS

Clause 1. After the letters S.M.C. on the fourth line insert the following –

"Prior to such suspension such officer or member shall be given particulars of the charge laid against him and a reasonable opportunity of being heard in his defence."

Clause 2. Add the following –

"In any ballot there shall be sent to every member entitled to vote, a statement not exceeding 600 words by the person or persons proposing the removal and a statement not exceeding 600 words by the officer or officers or the State Management Committee proposed to be removed."

RULE 6. BANKING AND EXPENDITURE OF FUNDS

From Clause 2. Delete the words "in Queensland" where appearing.

RULE 7. AUDITS OF ACCOUNTS

Delete this rule and in lieu thereof insert the following –

"The S.M.C. shall appoint annually a competent person as its auditor who shall have full and complete access to all the books and documents of the Branch. Such person shall audit annually the accounts of the Branch and of the Capital City Sub-Branch. The accounts of the other Sub-Branches shall be audited half yearly in the manner provided in Rule 12 Clause 16.

"A competent person, within the meaning of this Rule shall be a person other than a member of the organisation or branch who is registered under a law of a State or Territory of the Commonwealth providing for the registration of Public Accountants or a person who is licensed or registered as an Auditor under the law of a State or Territory of the Commonwealth relating to Companies."

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RULE 10. STATE MANAGEMENT COMMITTEE

Clause 1. From the last paragraph delete the word "appoint" and in lieu thereof insert the word "elect".

Clause 25. Delete the words "Trade Union Acts" and insert the word "Statute".

Clause 26(b). Add the following -

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

Clause 26(c). Add the following -

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

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

"If any scrutineers or scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed none the less."

RULE 16. MISCONDUCT OF MEMBERS

Clause (c). Delete clause.

Clause (d). Delete all words after the word "decision" on the fifth line.

Clause (e). After the words "five days" on the ninth line insert the following -

"or in the case of a member whose last known place of abode is situate more than 100 miles from Brisbane, not less than ten days."

At the end of Clause (e). Add the following -

"A member may, if he desires, make his answer to the charges in writing."

Clause (h). Delete clause.

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RULE 18. APPEALS OF MEMBERS AND SUB-BRANCHES AND S.M.C.

Clause 3. After the word "appeal" on the first line insert the words -

"for assistance pursuant to Rule 26."

RULE 19. ELECTION OF STATE SECRETARY, S.M.C. MEMBERS AND ORGANISERS

Clause 19. Add the following -

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

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

"If any scrutineers or scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed none the less."

RULE 30. DISSOLUTION

Delete all the words after the word "name" on the third last line and in lieu thereof insert the following -

"and shall pay any balance to the Building Workers' Industrial Union of Australia."

* See reference to this in (b), first page.

- 16th May, 1962.

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Aug. 1960
with
amendments

August 1960

WITH AMENDMENT

QUEENSLAND

B.W.I.U.

• RULES

With Amendments

Building Workers' Industrial Union of Australia

Queensland Branch

AMALGAMATED SOCIETY OF CARPENTERS & JOINERS OF AUSTRALASIA

Queensland Branch

00243

This Rule Book, printed in August, 1960,
supercedes all previous Rule Books.

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Amalgamated Society of Carpenters and Joiners of Australasia

Union of Employees—Queensland Branch

RULES

RULE 1

(1) The name shall be the Amalgamated Society of Carpenters and Joiners of Australasia, Queensland Branch (hereinafter referred to in these Rules as the Branch).

This Rule shall operate as from the fourteenth day of December, 1939.

The Branch shall consist of an unlimited number of persons, whether male or female, employed or usually employed as carpenters or joiners, including ship carpenters or joiners together with such other persons, whether employees in the industry or not, as have been appointed officers of the Association and admitted as members hereof.

(2) The seal of the Branch shall be oval in shape inscribed in the outer edge the words "Amalgamated Society of Carpenters and Joiners of Australasia" and it shall have on the inner space the words "Queensland State Management Committee."

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

2. To regulate the conditions under which all members of the union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or Association, or Associations of Trade Unions, or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Sub-Branches or Sections of the Union throughout the State.

7. To further any scheme that has for its objects the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labor and Trade Union newspapers and wireless broadcasting stations, and to invest in shares in such newspapers and radio stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide Labor or Trade Union Organisation or Association

10. To establish and manage a Union Journal.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

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13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

14. To render legal and other assistance to members for the recovery of wages or compensation for injuries, to protect the interests of the trade in all its Branches, and to assist other trades by any legal method.

15. To obtain such other objects as may from time to time be determined in accordance with these rules.

16. To organise the education of members.

RULE 3

ENTRANCE FEE:

1. The Entrance Fee shall be 20/- or any other sum, as the Sub-Branch or State Management Committee may decide, but not more than 40/-.

MEMBERSHIP:

2. Application for membership shall be on the form provided, signed by the applicant and two financial members, who shall first satisfy themselves that the applicant is a fit and proper person to enter the Union.

All applicants for membership in the Union if residing within a three mile radius of the Sub-Branch where they apply, must, unless a satisfactory reason is given attend the Meeting at which their application is considered.

3. All applications for membership shall be lodged together with the amount of Entrance Fee with the Sub-Branch Secretary, or such other person authorised by the S.M.C. Applications for membership shall be dealt with by the Sub-Branch or the S.M.C. who shall, if satisfied with the bona fides and Trade Qualifications of the Applicant, admit him to membership of the Sub-Branch as from the date of the Receipt of his application form by the Sub-Branch Secretary, or other duly authorised person. The form of application for membership shall be as shown in Appendix 1 to these Rules.

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

5. Applicants for Membership shall be qualified workmen of good character and shall, when admitted to membership, enjoy all advantages of Membership so long as they comply with the registered Rules of the Union.

6. Any applicant who is a fully-paid up member of another Union, and who had previously been transferred from this Union to another Union, may be re-admitted on Clearance without Entrance Fee.

Any member entering this Union on Clearance from another Union, shall qualify for Benefits according to Rules.

7. Applicants shall, if possible, attend the next meeting of the Sub-Branch to which he makes application. Failure to attend shall not necessarily exempt the Candidate from election to membership.

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

9. All members shall be supplied with a copy of the Rules free of charge, but any member requiring a second copy shall be charged threepence (3d.).

RULE 4 — CLAUSE 1

1. Contributions shall be 60/- per half-year, payable in advance. part of such Contributions shall be used for the payment of producing Union Journals, and of posting same to the address of each financial member.

One shilling of each 60/- Contributions shall be retained by each Sub-Branch as a Benefit Fund, which shall be governed by Uniform Rules drawn up by the State Management Committee, and each Fund shall be subject to audit and a copy of the Statement of Half-Yearly Receipts and Expenditure forwarded to the State Office.

One shilling shall be paid into the Contingent Fund, and used for the purposes, and in the manner laid down in Rule 26.

2. Contributions by apprentices shall be two shillings and six-pence (2/6) entrance fee, and three shillings and sixpence (3/6) per half year for the first three years of apprenticeship, ten shillings (10/-) per half year for the fourth year of apprenticeship and fifteen shillings (15/-) per half year for the fifth year of apprenticeship.

Exemption from Contributions.

3. Sub-Branch Committees may grant exemption from Contributions to members who have been unemployed for more than Eighteen Weeks during any half year. Application for exemption must be made in writing with proof of unemployment being submitted.

Aged and Infirm Members

4. All members over 65 years of age who have had 25 years' continuous membership in the Union, who through physical infirmities are unable to work continuously at the trade, may retain membership by paying 1/- per half year in advance, for which they shall be entitled to receive funeral benefit only, provided that this does not apply to members who are over 50 years of age when joining the Union. Members wishing to be placed under this Rule shall make application to the Sub-Branch Secretary.

When Unfinancial

5. Any member who fails to pay his contributions in advance on or before half-year night shall be deemed unfinancial. He shall not be entitled to any benefit, but 14 days' grace may be allowed.

Any member owing a half-year's contributions or more shall be suspended from Tool Benefit for two weeks from the date on which he makes himself financial. Provided that in a year in which ballots are conducted in accordance with Rule 19 of these rules a member shall be eligible to vote provided he is financial to the month of September in that year.

Entrance Between Half-Year Nights.

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

Recovery of Arrears.

RULE 4 — CLAUSE 7

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

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Resignation.

8. A member may resign his membership:
   (a) If he accepts employment in an industry other than that represented by the Organisation or
   (b) On giving to the Sub-Branch Secretary three months notice and the payment of all dues to the date of his resignation.

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

RULE 4 — CLAUSE 10

10. A member who joins an Employers' Association shall resign immediately he joins such organisation.

RULE 4 — CLAUSE 11

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

RULE 5

1. The State Management Committee shall be under the control of the members. Any officer or member of the S.M.C. being charged with neglect of duty, grave misconduct or violation of the Rules of the Union may be suspended immediately by decision of the S.M.C. Prior to such suspension such officer or member shall be given particulars of the charge laid against him and a reasonable opportunity of being heard in his defence. In case of an appeal against suspension the grounds for such suspension, together with the appeal of the officer suspended shall, within two months of suspension be fully set out, and submitted to the members for confirmation or rejection; such decision of the members to be final. Should there be no appeal against suspension the S.M.C. shall have power to dismiss the officer concerned. Appeals under this Rule must be lodged with the Secretary of the Sub-Branch to which the member belongs within fourteen (14) days of suspension.

2. The State Management Committee or any officer may be removed from office by resolution carried on a ballot by a simple two-thirds majority of those voting of the members of the Branch, and in the event of any officer or members being removed from office an election must be held within one month of such removal from office in accordance with Rule 19.

In any ballot there shall be sent to every member entitled to vote a statement not exceeding 600 words by the person or persons proposing the removal and a statement not exceeding 600 words by the officer or officers of the State Management Committee proposed to

RULE 7

The S.M.C. shall appoint annually a competent person as its auditor who shall have full and complete access to all the books and documents of the Branch. Such person shall audit annually the accounts of the Branch and of the Capital City Sub-Branch. The accounts of the other Sub-Branches shall be audited half-yearly in the manner provided in Rule 12, Clause 15.

A competent person, within the meaning of this Rule, shall be a person, other than a member of the organisation or branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of Public Accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

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RULE 8

REGISTERED OFFICE:

The Registered Office of the Union in Queensland shall be at the Trades Hall, Edward Street, Brisbane.

RULE 9

A register of members in the State shall be kept in the Registered Office.

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

RULE 10

RULE 10 — CLAUSE 1

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

They shall elect delegates to attend Federal Conferences of the Building Workers' Industrial Union of Australia.

2. The State Management Committee shall [illegible] members, one of whom shall be the State Secretary. Any three shall constitute a quorum. No member of less than three (3) years' continuous membership in the State of Queensland shall be eligible for election to the State Management Committee. They shall be elected and continue in office for a period of three (3) years.

The S.M.C. shall meet in the Trades Hall, Brisbane for the purpose of controlling the Union's business.

Any two members of the State Management Committee may by notice in writing addressed to the President require him to summon a special meeting of the State Management Committee.

3. The State Management Committee shall elect from its members a Branch President and a Branch Vice-President.

Duties—Branch President

The duties of the Branch President shall be as follows:—

(i) The Branch President shall preside at all meetings of the S.M.C., State or Special Conference, and at meetings convened by the State Conference or S.M.C.

(ii) He shall carry out such duties as may be assigned to him from time to time by the S.M.C., and by the State Secretary acting on their behalf.

(iii) He shall conduct the business in accordance with the standing orders and rules of debate.

(iv) He shall, upon the minutes being confirmed, sign the minute book in the presence of the meeting, and he shall have the meeting, by resolution, endorse or reject all accounts submitted for payment.

Duties—Branch Vice-President

The duties of the Branch Vice-President shall be as follows:—

(i) In the absence of the Branch President he shall carry out the duties of Branch President.

S.M.C. Executive

4. In the event of the majority of a S.M.C. being resident at such distance from the Office of the S.M.C. as to make weekly or more frequent meetings of the S.M.C. impracticable the three members residing nearest to the Office of the S.M.C. shall form an Executive, two to form a quorum, which shall have such powers as the S.M.C. may decide. The minutes of each Executive Meeting shall be immediately forwarded to each member of the S.M.C. and all Sub-Branches.

Secretary's Term of Office

5. The State Secretary shall be elected and remain in office for a period of three (3) years. He shall also be Secretary of the Capital City Sub-Branch, provided that should the income of the S.M.C. and Capital City Sub-Branch be insufficient to meet expenses, the services of the Secretary may be temporarily dispensed with at the discretion of the S.M.C., provided that when the Brisbane Sub-Branch income exceeds £2,000 they may appoint a Secretary-Organiser.

Delegation Approval

6. No Sub-Branch shall have the power to delegate any member on Union business for any period above one week in any half-year without first obtaining the approval of the State Committee. Any infringement of this Rule by any member or Sub-Branch shall be deemed misconduct, and members or Sub-Branches infringing this Rule may be fined by the S.M.C. any sum not exceeding £10. This Rule shall not affect the Rule allowing 10 per cent. of the Sub-Branch Income to be used for local organising.

Interpretation of Rules

7. The S.M.C. shall interpret all Rules requiring interpretation.

Legal Proceedings

8. The trustees of the Union after being authorised by the S.M.C., shall be empowered to take legal proceedings for recovery of arrears of contributions and fines, breaches of Awards and recovery of Accidents compensation.

9. The State Committee may, provided the funds of the S.M.C. are sufficient to meet the additional expense, appoint one or more Organisers.

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

Control and Suspension of Members

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

The S.M.C. shall immediately notify the Sub-Branch to which the member belongs of its decision.

A fine imposed under this rule shall not exceed £5 nor shall any suspension from benefit exceed a period of three years.

Any action taken against a member shall be in accordance with the provisions laid down in Rule 16.

Transfer of Members

12. They shall have power at the request of a member to order the transfer of any member from any Sub-Branch under their jurisdiction, to any other Sub-Branch in Queensland, when, in the opinion of the S.M.C., such transfer is necessary to enable the member concerned properly to participate in the affairs of the Branch.

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13. They shall have power to grant donations from the Contingent Fund when application has been made in accordance with the provisions of Rule 26.

Aggregate Meetings

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

The S.M.C. shall have power to establish Sub-Branches of fifty or more members on a locality basis and of less than fifty members on an industry basis if, in the opinion of the S.M.C., the members' industrial interests warrant the formation of a Sub-Branch.

Delegates' Meeting

15. Whenever it is necessary to obtain the opinion of members in any district with five hundred (500) members and upwards, it may be done by special Summoned Meetings of the Sub-Branches in such district, when delegates shall be elected from each Sub-Branch in proportion to the Sub-Branch membership in accordance with the following scale: Under 100 members, one delegate; 100 and under 250 members, two delegates; 250 and upwards, three delegates; who shall be paid according to Rule 24.

Delegate Convention

16. (a) The S.M.C. shall convene at regular intervals not more than each two years (but at earlier intervals should it be deemed necessary) a State Delegate Convention consisting of delegates elected from Sub-Branches and jobs throughout the State and also comprised of members of the S.M.C. and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates, Sub-Branches and jobs may elect to attend such Convention shall be determined by the S.M.C. from time to time.

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

(d) The State Delegate Convention shall, from time to time, determine the policy of the Union to be observed by the membership and by the S.M.C.

(e) The State Delegate Convention may recommend that a referendum of the membership be taken on any rule or rules of the Union required to be submitted to a ballot of the membership.

Special Auditors

17. The S.M.C. may at any time appoint two Auditors to audit the books of any Sub-Branch or direct that the books be forwarded to the State Office for audit.

Control of Organisers

18. They shall have control over the Organisers, and shall have power to call on the Capital City Sub-Branch Secretary to perform any duty that may arise which does not interfere with his duties as Sub-Branch Secretary.

19. In districts where an Organiser-Secretary has been appointed or elected, he shall be under the control of the Sub-Branch he visits for organising purposes only, for the period allotted them by this District Committee.

20. No fully paid official other than the Secretary shall hold a position on the S.M.C.

S.M.C. Finance and Contingent Fund

21. The S.M.C. shall have control of the property in their State, and, in addition to the provision of Rule 4, Clause 11, shall draw from each Sub-Branch, Job Stewards and Organisers the total contributions, entrance fees and fines collected.

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

The State Management Committee may dispense monies for the purpose set out in the objects of the Union, and such funds may be invested from time to time in such manner as may be determined by the State Management Committee. No donation exceeding £100 shall be made from the Contingent Fund without the sanction of a majority of the Sub-Branches in Queensland.

Affiliation

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

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

RULE H — CLAUSE 25

25. The S.M.C. shall elect from among their members three Trustees (any two with the State Secretary to operate) and a Branch President who shall have a deliberate vote only. They shall also elect delegates to Federal Conference and a Branch Returning Officer who, after applications have been called for the position shall be appointed by the S.M.C. for that purpose.

The property and finance of the Branch shall be vested in the names of the three trustees. The funds of the Branch shall be banked in the manner prescribed in Rule 6. On a written authority, signed by the Branch President and the Branch Secretary, any two of the three trustees shall sign cheques for such sums as may be voted by the State Management Committee or the State Management Committee Executive in accordance with these Rules. Such cheques to be countersigned by the Branch Secretary.

RULE I — CLAUSE 25 (b)

(b) If all S.M.C. members are in attendance at the S.M.C. meeting at which the election is to be held, viz. in the case of the Branch President, Branch Vice-President and the Trustees during the month of January following the triennial elections, in the case of delegates to Federal Conference at least one calendar month prior to the annual meeting of the Federal Conference and in the case of other positions as may be determined by the S.M.C., nominations shall be called and a ballot shall be held.

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

The Returning Officer shall conduct the election at the next meeting of the S.M.C.

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(d) The Returning Officer shall obtain sufficient ballot papers and envelopes for the election. He shall have a booth arranged or constructed as to enable the voter to mark his ballot paper without the names for which such delegate voted being seen.

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

(f) Voting shall close one hour after the commencement of the meeting or at such times as all S.M.C. members have voted.

(g) The Returning Officer shall thereupon open the ballot box and in the presence of the S.M.C. members who desire to be present, proceed to count the ballot on the preferential system.

(h) In the case of an equality of votes for any two or more candidates, the Returning Officer shall determine by casting his vote which of the candidates is elected.

(i) The Returning Officer shall notify the S.M.C. of the result of the ballot and the S.M.C. shall publish same in the S.M.C. Minutes.

(j) Should a vacancy occur in any of the above positions the S.M.C. shall fill the position within one month. But if the term remaining is more than six months an election shall be held to fill the vacancy.

In any such election the provisions of this rule shall apply with any necessary modifications.

(k) Should one or more members of the S.M.C. be absent from the meeting at which an election was to have been held, a postal ballot of all members of the S.M.C. shall be held within seven days of such meeting.

(l) In such election the Returning Officer shall immediately post to each S.M.C. member a properly initialled ballot paper on which no other distinguishing mark appears together with a business reply or stamped envelope for the return of same to the Post Office Box marked on the envelope.

(m) On the morning of the eighth day following the despatch of the ballot papers by the Returning Officer, the Returning Officer and the scrutineers appointed by the S.M.C. shall collect the ballot papers from the Post Office Box and then proceed to the Union Office where they shall count the ballot, using the preferential system

(n) The Returning Officer shall notify the S.M.C. of the result of the ballot and the S.M.C. shall publish same in the S.M.C. Minutes.

(o) The S.M.C. shall appoint one of its members who is not a candidate as scrutineer and any candidate may appoint any member of the Branch to act as scrutineer on his behalf. Any scrutineer shall be entitled to be present at and to observe all stages of

RULE 10 — CLAUSE 26 (q)

(q) In any election the Returning Officer and scrutineers shall conduct themselves in a sober, proper and impartial manner and do all things necessary to preserve the secrecy of the ballot.
Scrutineers shall, as far as practicable, be present at all stages of the ballot.
They shall obey any directions given to them by the Returning Officer.
If any scrutineers or scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

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RULE 11

DUTIES OF SECRETARY OF THE STATE MANAGEMENT COMMITTEE—CONTROLLED BY S.M.C.

1. He shall be under the control of the S.M.C., and shall devote the whole of his working time to the business of the Union provided the S.M.C. income is sufficient to pay the salary provided in Rule 10, Clause 1.

He shall be the registered (State) Officer to sue or be sued on behalf of the Union in his State in regard to any legal matter within the State in which his S.M.C. has jurisdiction.

He shall keep a correct record of the members in his State and shall, when instructed by the S.M.C., sue for the recovery of arrears of contributions or other moneys due to the Union by the members in his State.

The State Secretary shall keep or cause to be kept proper books of accounts showing the receipts and expenditure of the Branch, and separate accounts of receipts from all Sub-Branches, and shall correct records of all monies received or paid on account of any particular fund, and separate accounts of all management expenses and of all contributions on account thereof, as required by the Queensland Trade Union Act of 1915 and amendments thereof.

The State Secretary shall endorse all vouchers for payment certifying to their correctness, and shall prepare a balance sheet in accordance with Rule 11 (2).

The State Secretary shall submit to each meeting of the State Management Committee an interim statement of receipts and payments made up to the end of the week preceding the meeting.

Wages Boards

2. He shall attend to all Wages Board, Arbitration Court, and other legal matters coming within the jurisdiction of the S.M.C. He shall keep all books and documents necessary to a proper working of the office of the S.M.C. He shall prepare a half-yearly report and also a yearly balance sheet showing the income and expenditure for that term, and upon the same being audited and adopted by the S.M.C., he shall send a copy to the Sub-Branches over which the S.M.C. has jurisdiction.

He shall prepare and forward to the Registrar of Trade Unions all returns required by law.

Neglect of Duty

3. Should he fail to carry out his duties to the satisfaction of the S.M.C., he may be dealt with by such committee in the manner prescribed in Rule 5.

Resignation or Removal

4. In the event of his desiring to resign, he shall give at least one month's notice or be fined five pounds (£5). Upon resigning or being removed from office, according to Rule 5, he shall, within seven (7) days, deliver up to whatever person the S.M.C. may appoint, all books, documents and other property of the Union then in his possession. Before the books are handed over to his successor in office they shall be audited.

RULE 12

POWERS AND DUTIES OF SUB-BRANCHES:

1. For the convenience of members, Sub-Branches may be opened in any town in the State. No Sub-Branch shall be opened without the consent of the S.M.C. Each Sub-Branch shall have power to elect its own officers and with the consent of the S.M.C. generally control its own business.

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When Disbanded

2. In no case shall any Sub-Branch close or disband without the authority of the S.M.C., in which case all cash or other property shall be handed over to the S.M.C

Visiting Members

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

Clearances

4. Any member entering a Sub-Branch by clearance shall not have a vote in that Sub-Branch until his clearance has been accepted by such Sub-Branch.

5. No Sub-Branch shall hold its meetings in licensed premises where alcohol is sold.

6. Sub-Branches shall accept a transfer for any member, and issue a transfer for any member who applies for same, subject to the provisions of Rule 15, Clauses 2 and 4, and all arrears of contributions shown on the clearance card sent from a Sub-Branch in one State to a Sub-Branch in another State shall be collected and retained by the Sub-Branch to which the members have been transferred.

7. Each Sub-Branch may obtain a room and a safe and/or steel cabinet and office equipment for the safe keeping of Union property provided the S.M.C. is advised of the cost of such facilities and has approved whatever payment is necessary to secure such facilities.

Interpretation of Rules

8. Should any Rules require interpretation, or be not clearly defined, they shall be sent to the S.M.C. for their decision. All such decisions shall be inserted in the minute book of the Sub-Branch.

Resolutions to S.M.C.

9. Resolutions to the S.M.C. shall be submitted in writing to the S-B.P., and the number of members present, and the numbers of votes for and against such resolution, shall be stated when the resolutions are sent to the S.M.C.

Correspondence Confidential

10. All communications or copies of correspondence from the S.M.C. shall remain the property of the Union and information relating to the same shall not be divulged to any outside body or bodies without first obtaining the sanction of the S.M.C.

Sub-Branches Allowed

11. In all country towns there shall be only one Sub-Branch. Each capital city shall have only one Sub-Branch, and no other Sub-Branch shall operate within a radius of five miles of the meeting place of the City Sub-Branch except with the consent of the S.M.C.

Sub-Branch Officers

12. Sub-Branches shall elect the Sub-Branch Committee. Sub-Branch Committee shall consist of President, Vice-President and Secretary and six committee men, one of whom may be an apprentice. Sub-Branches with more than 100 members may also elect a Money Steward and Door Keeper. The Sub-Branch Secretary may appoint Sick Stewards as they are required.

13. Any member neglecting the duties for which he is elected, shall, unless a satisfactory apology is furnished, be fined by his Sub-Branch or S.M.C., any amount not exceeding five pounds (£5).

14. Any officer of a Sub-Branch, member of a Committee, or delegate elected by such Sub-Branch, who is absent without a reasonable excuse from three consecutive meetings, shall be deemed to have vacated his seat and the Sub-Branch shall fill the vacancy.

Meetings: When Held

15. City Sub-Branches shall meet fortnightly to transact business. Suburban and Country Sub-Branches, with the consent of the S.M.O., may vary this Rule to suit their convenience. The time of opening and closing meetings to be at the discretion of each Sub-Branch.

16. The Books of each Sub-Branch shall be sent each half-year to the State Office for audit.

17. Sub-Branches shall have power to strike a levy of not more than £1 for purely local purposes, provided due notice thereof has been given to members and provided that two-thirds of the members voting shall decide in favour of the levy. Voting shall be by ballot of the members of the Sub-Branches concerned. In no circumstances shall any levy be imposed which would so operate as to impose a liability for levies in a sum exceeding £2 per annum on a member.

18. Any member residing within a three miles' radius of the meeting place of the Sub-Branch who fails to attend a Summoned Meeting shall be fined a sum not exceeding 5/-, unless a satisfactory excuse is tendered.

19. The Sub-Branch President and Secretary may and on requisition signed by ten per cent. of the members of the Sub-Branch shall call a special meeting of the Sub-Branch. No business shall be transacted at such a meeting other than the business set out in the requisition or in the notice calling the meeting.

20. Sub-Branch By-laws shall be registered under 'The Trade Union Act of 1916'. The precise location of all meetings at which the business of the Sub-Branch shall be conducted shall be published six months in advance in the notice published half-yearly for that purpose. Copy of each such half-yearly notice shall be filed forthwith with the Trade Union Registrar.

RULE 18

DUTIES OF SUB-BRANCH OFFICERS AND COMMITTEES:

(a) Sub-Branch President

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

Bank Book; Countersign Orders for Payments; Branch Resolutions

2. He shall sign the Sub-Branch minutes of the previous meeting, after they have been confirmed by the Sub-Branch. He shall examine the Sub-Branch bank book each meeting night (when such book is not held by the bank) and report to the Sub-Branch the result of each banking transaction, the record to be inserted in the Minute Book. He shall countersign all orders for payment of money authorised by the Sub-Branch, and all orders for remittances to the S.M.C. when requested to do so by the State Secretary, and for capitation fees due to the S.M.C. under Rule 10, Clause 21. He shall also cause to be recorded in the minute book the number voting for and against all suggestions for alteration of Rules, or resolutions intended for the S.M.O. and the numbers present when the vote is taken.

(b) Sub-Branch Secretary

Correspondence; Keep Account of Income and Expenditure; Clearances

1. The Sub-Branch Secretary shall attend all meetings of the Sub-Branch or Committee. He shall conduct all correspondence and

take the minutes of Committee meetings. He shall be responsible for the collecting of contributions, fines, and other money due to the Union by members of his Sub-Branch. He shall keep a clear and correct account of all receipts and expenditure in connection with the Sub-Branch. He shall register carefully the name, age and residence of every member, and shall, within one month, forward to the State Secretary, correctly filled in registration cards for all members admitted into the Sub-Branch, and also transfer cards for all members leaving the Sub-Branch. He shall also notify the State Secretary of all resignations and deaths.

Balance Sheets

2. He shall prepare, in duplicate, a half-yearly balance sheet and report, setting out all income and expenditure incurred during the period covered by such balance sheet, one copy to be forwarded to the State M.C. within seven days after the half-yearly meeting. He shall close his books immediately after the first meeting night in June and December and the contributions for the next ensuing half-year shall be due and payable on the second meeting in the months of March and September. He shall give every facility to the Auditors to examine all books and papers in connection with the Sub-Branch. He shall read out to the Sub-Branch a fortnightly cash account. He shall be the custodian of the official stamp of the Sub-Branch, and be ex-officio member of all sub-committees, but shall not have a vote on any matter in which he is personally or financially interested.

Half-Yearly Summons

3. He shall supply all necessary advice to the State Office to enable it to advise the Sub-Branch members of the time, place and date of the half-year meeting, which shall be in March and September of each year and the second meeting of the month where fortnightly meetings are held and the State Secretary shall forthwith notify all Sub-Branch members thereof. He shall supply all details to the State Office to enable it to advise members in arrears. Special meetings of the Sub-Branch may be called as decided by the Sub-Branch. He shall perform all clerical and other duties appertaining to the position of the Secretary.

All Sub-Branch meetings called in accordance with this sub-clause shall be held at the place fixed by Rule 12 (20) for conduct of the business of the Sub-Branch.

Suspended Members

4. Members who owe one year's arrears of contributions shall be regarded as having broken their continuity of membership which shall be suspended. The State Office shall be advised regarding such members. They shall not be included in returns of membership or recognised when computing the number of members in the Sub-Branch.

5. He shall accept all clearances (that are permitted) from other Unions, also transfers from other Sub-Branches or other States, and shall issue transfers for any members applying for same. He shall also transfer all members who do not comply with Rule 10, Clause 2, to the Sub-Branches nearest to which they reside.

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

Pay Benefits

6. He shall pay all benefits according to Rules 22 and 23, and he may be made to refund all expenditure that is made contrary to the provisions of these Rules.

Resignation or Removal

7. In the event of resigning he shall give one month's notice, or be fined 10/-, except in the case of illness or removal from the town. On his resignation or being removed from office, or on demand of the S.M.C., or whomsoever they may authorise, he shall, within seven days, deliver up all books, documents and property of the said Sub-Branch to the S.M.C. or Trustee. Before the books are handed over to his successor in office they shall be audited.

Neglect of Duty

8. Should he fail to carry out any of his duties to the satisfaction of the Sub-Branch, it shall, upon the matter being reported, refer it to the Sub-Branch Committee, who shall investigate it and report to a subsequent meeting, which shall have power to deal with him according to the provisions of Rule 12, Clause 14.

(c) Vice-President

He shall record the minutes of all Sub-Branch and special meetings and shall preside over meetings in the absence of the Sub-Branch President.

(d) Doorkeeper

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

(e) Sub-Branch Finances

The funds of each Sub-Branch shall be banked as provided in the Rules.

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

(f) Sub-Branch Committee

In every Sub-Branch there shall be a Committee elected in accordance with Rule 12 (12) who shall meet when required on being summoned by the Sub-Branch Secretary, three to form a quorum. The President shall have a casting vote only, and the Secretary shall have no vote. The minutes of the proceedings shall be signed by the Chairman at the close of each meeting, and submitted to the next Sub-Branch Meeting for confirmation or otherwise. If necessary they shall examine and determine claims for lost tools. In the event of a member being charged with acting contrary to the policy of the Union the Sub-Branch Committee shall have power to refuse payment of any benefit to such member until the charge has been investigated by the S.M.C. and its decision conveyed to the Sub-Branch. They shall hear and decide all cases of appeal from a member against an officer of the Sub-Branch. Any member of a Sub-Branch Committee who is absent without reasonable excuse from three consecutive meetings shall be deemed to have vacated his seat, and the Sub-Branch shall fill the vacancy. The Committee shall meet at least once per half-year for the purpose of drawing up an Agenda and making a report of the half-year's work for the half-yearly meeting of the Sub-Branch.

(g) Sick Stewards

Sick Stewards shall, when instructed by the S-B.S. visit any member who is sick or who has met with an accident, and report to the next Sub-Branch meeting.

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(h) Returning Officers and Scrutineers

1. The Sub-Branch Returning Officer shall be responsible for the conduct of Sub-Branch elections. He shall procure all ballot papers, initial same, and issue to the member entitled to vote. He shall, if necessary, have a casting as well as a primary vote.

2. All ballot papers must be returned by 9 p.m. on meeting night and counted as soon as possible in the presence of two scrutineers. The result to be declared immediately count is complete.

3. Scrutineers shall attend all meetings at which elections are being conducted, and assist the S.-B.R.O. in all matters connected with the elections.

(i) Money Stewards

The Money Stewards shall attend the half-yearly Sub-Branch Meetings punctually at the time of commencing of business, and shall take money and issue receipts to members.

RULE 14

ELECTION OF SUB-BRANCH OFFICERS:

1. The election of all Sub-Branch Officers shall be held on the yearly meeting nights in March, which shall be by ballot of all members present at the meeting; no distinguishing figure or mark to be on ballot papers, same to be initialled by the Returning Officer.

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

3. Candidates for office shall be financial members of 12 months' standing in the State and shall be proposed and seconded by two financial members. Nomination shall be accepted on the meeting night prior to the date of election; failing nominations for any office on the night prior to the elections, nominations for such office may be accepted at the meeting on the night of election. All candidates shall give consent in writing or be present at the meeting when nominated. Nothing in this Rule shall apply to fully paid officers.

RULE 15

DUTIES OF MEMBERS:

1. No member shall call on or write to any S.-B.S. at the works where he is employed.

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

3. Members changing their residence and not informing the S.-B.S. in writing within three months of such change of address, unless a satisfactory reason is given, shall be fined not more than 2/6.

RULE 16

MISCONDUCT OF MEMBERS:

(a) Any member knowingly violating any registered rule of the Union may be fined a sum not exceeding £1 by the Sub-Branch. Should, however, the matter be referred to the State Management Committee, they shall have power to fine the member an amount not exceeding £5, expel him from membership or suspend him from benefit for a period of not more than six months for such an offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer, may be fined a sum not exceeding 20/- and should he persist, the Presiding Officer shall have power to call on the members to expel him from such meeting until such time as the fine is paid and an apology is tendered for such conduct.

(e) A member shall not take any grievance in which he is personally concerned to any person or persons outside the Union prior to [illegible] with by the responsible body, in accordance

RULE 16 — CLAUSE (d)

(d) It shall be competent for the State Management Committee to inflict a fine not exceeding £5, suspend from benefit for a period not exceeding three years, or expel from the Union a member upon satisfactory proof that such member has refused to comply with its decision

(e) Charges under these Rules shall be made in writing within one month of the discovery of the incident to which it refers, to the Sub-Branch or State Management Committee. The member so charged shall be summoned to attend a meeting of Sub-Branch Committee or State Executive, or State Management Committee, by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be sufficient if posted to his last known place of abode not less than five days before the date of such meeting. At the appointed time and place the charge shall be investigated, either by the Sub-Branch or State Executive or State Management Committee, whether or not the member shall be in attendance. The decision of the Sub-Branch or Executive shall be binding on the member, subject to the right of appeal to the State Management Committee whose decision shall be final in all matters whether by appeal or otherwise. All meetings, in accordance with this sub-clause, shall be held at the place, fixed by the Registered Rules for the conduct of the business of the Branch or Sub-Branch.

(f) Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with by the State Management Committee provided that the maximum fine that may be imposed shall not exceed £5.

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

(h) No member, or members conjointly, shall issue any circular to the members of Sub-Branches on any matter without the consent of the S.M.C. Inter-communication between Sub-Branches shall be allowed on all matters in relation to the Union, provided a copy is submitted to the S.M.C. 14 days before the matter is sent.

RULE 17

PAYMENT AND RECOVERY OF FINES:

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

RULE 18

APPEALS OF MEMBERS AND SUB-BRANCHES AND S.M.C.:

Right of Appeal

1. Any member finding himself aggrieved against the actions or decisions of the officers or members of the Union may, in the case

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(c) A member shall not take any grievance in which he is personally concerned to any person or persons outside the Union prior to [illegible] with by the responsible body, in accordance

RULE 16 — CLAUSE (d)

(d) It shall be competent for the State Management Committee to inflict a fine not exceeding £5, suspend from benefit for a period not exceeding three years, or expel from [illegible]

RULE 16 — CLAUSE (e)

(e) Charges under these Rules shall be made in writing within one month of the discovery of the incident to which it refers, to the Sub-Branch or State Management Committee. The member so charged shall be summoned to attend a meeting of Sub-Branch Committee or State Executive, or State Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be sufficient if posted to his last known place of abode not less than five days, or in the case of a member whose last know place of abode is situate more than 100 miles from Brisbane, not less than ten days before the date of such meeting.
At the appointed time and place the charge shall be investigated either by the Sub-Branch or State Executive or State Management Committee, whether or not the member shall be in attendance. The decision of the Sub-Branch or Executive shall be binding on the member, subject to the right of appeal to the State Management Committee whose decision shall be final on all matters whether by appeal or otherwise. All meetings, in accordance with this sub-clause, shall be held at the place fixed by the Registered Rules for the conduct of the business of the Branch or Sub-Branch.
A member may, if he desires, make his answer to the charges in writing.

[illegible] not exceed £5.

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

(h) No member, or members conjointly, shall issue any circular to the members of Sub-Branches on any matter without the consent of the S.M.C. Inter-communication between Sub-Branches shall be allowed on all matters in relation to the Union, provided a copy is submitted to the S.M.C 14 days before the matter is sent.

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RULE 18

APPEALS OF MEMBERS AND SUB-BRANCHES AND S.M.C.:

Right of Appeal

1. Any member finding himself aggrieved against the actions or decisions of the officers or members of the Union may, in the case

of any grievance, appeal to his Sub-Branch for redress, and, if still aggrieved, he may further appeal to the S.M.C. within one month, whose decision shall be final and such decision must be conveyed to those concerned.

Not to Furnish Other Evidence

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

RULE 18 — CLAUSE 3

3. The S.M.C. shall not consider any appeal for assistance pursuant to Rule 26 from any member whose total dues to the Union amount to twelve months' contributions or more.

Sub-Branch Appeals

5. Should any Sub-Branch appeal against the decision of the S.M.C. closing or suspending the functioning of a Sub-Branch the decision shall not take effect until the appeal is decided by the State Delegate Convention in meeting assembled or by postal vote of Convention delegates.

RULE 19

ELECTION OF STATE SECRETARY, S.M.C. MEMBERS AND ORGANISERS:

(1) Any member of the Branch who is financial and has at the time of nomination not less than three year's continuous membership may nominate for any of the positions named at the head of this Rule. No member shall be a candidate for two or more offices that if elected to, he would be unable to hold at the same time.

(2) The term of office for the above positions shall be three years.

(3) Nominations, which must be in writing, signed by the Candidate and endorsed by two financial members, shall be in the hands of the Branch Returning Officer, not later than the last day in September following the calling of nominations.

(4) Nominations for the various offices falling vacant shall be called by the Branch Returning Officer on or before the last day of August in every third year, commencing on and from August 1954, notice of which nominations shall appear in the Queensland "Building Workers Journal" posted to each member 28 days before closing date.
All Sub-Branches shall be notified by circular of the closure date for nominations for the election of officers named at the head of this rule and such Sub-Branches shall be supplied with nomination forms twenty eight days before the closing date for such nominations.

(5) If only sufficient nominations are received to fill any vacancy, the Returning Officer shall thereupon declare the person so nominating elected.

(6) If more nominations than there are vacancies are received, the Returning Officer shall arrange for the names to be drawn in a Ballot in the presence of the State Management Committee and such names shall be placed on the Ballot Paper in the order in which they are so drawn.

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(7) The State Secretary shall provide the Returning Officer with a certified list of members entitled to vote in the election not later than ten days after the closing of nominations. Such lists shall be available at the Union Office for perusal by any Scrutineers or Members entitled to vote at the said election. Notice of the availability of the list shall be published in the Daily Press on the day it becomes available.

(8) The Returning Officer shall post to each Member entitled to vote, i.e., financial in terms of Rule 4, Clause 5, a Ballot Paper properly initialled, together with printed Business Reply Envelopes for return of same not later than the last day in October, after the closing date of Nominations.

(9) All Ballot Papers shall be posted by the Member voting in time for same to reach the Returning Officer not later than the fourteenth day of November following despatch of Ballot Papers.

(10) All Ballot Papers shall be returned to the Returning Officer, c/o the Post Office Box named on the Business Reply Envelope. The Post Office Box to which the Ballot Papers are to be returned shall be hired by the Returning Officer prior to the despatch of Ballot Papers or if the Box has been previously hired, he shall cause the lock to be changed.
The key to such Box shall be picked up by the Returning Officer at a time, reasonable notice of which has been given to the Scrutineers, and deposited with the Bank at which the Branch Account is held.
The Returning Officer shall each day, at a time reasonable notice of which has been given to the Scrutineers pick up the key to the Post Office Box from the Bank in which it is deposited, collect the returned Ballot Papers from the Post Office Box and deposit them in the Ballot Box. Such Ballot Box shall be kept at the Bank at which the Branch Account is held for the time being, and shall prior to the commencement of the ballot, be held by the Returning Officer and may be sealed by any Scrutineer. After placing the Ballot Papers in the Box, the key to the Post Office Box shall be deposited at the Bank. The Ballot Box shall be picked up by the Returning Officer at a time, reasonable notice of which has been given to the Scrutineers and taken to the Union's rooms and be opened in the presence of Scrutineers and the count shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the Ballot Box, to which any seals may be affixed by a Scrutineer.

(11) The Returning Officer shall proceed to count the ballot on the preferential system, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the Ballot shall be completed not later than the first day of December following the closing of the Ballot.

(12) In the case of an equality of votes for any two or more candidates, the Returning Officer shall determinate by casting his vote which of the candidates is elected.

(13) Two Scrutineers who are not candidates shall be elected by the State Management Committee not later than the last day in November to assist the Returning Officer in the conduct of the Ballot.

(14) The Returning Officer shall notify the State Management Committee of the result of the Ballot and the State Management Committee shall issue instructions for the publication of same in their minutes and the "Building Workers' Journal" and/or "Building Worker." He shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area.

(15) The successful candidates shall take up their respective duties not later than the first working day of January following the conclusion of the ballot and shall remain elected until their successors take up office

A successful candidate who fails to take up his position on or before the above date shall, unless a reasonable cause to the satisfaction of the State Management Committee be shown, be deemed to have resigned, and shall not be eligible to nominate for any office for a period of four years.

(16) Should a vacancy occur in any of the above mentioned offices, the State Management Committee shall fill the position within one month if the term remaining is not more than twelve months.

If the term remaining is more than twelve months, an election shall be held in accordance with these Rules to fill the vacancy.

(17) Any candidate may appoint a Scrutineer who shall be entitled at the expense of the candidate to be present at any stage of the Ballot.

RULE 39 — CLAUSE (18)

(18) In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the Ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot.

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

If any Scrutineer or Scrutineers are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

[illegible] OF ORGANISERS

The Organisers shall be under the control of the S.M.C. and shall when required, attend meetings of the S.M.C. They shall perform such organising duties as may be required and shall visit shops and jobs where members of the Union and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and Sub-Branch Secretaries, and carry out organisational work in any part of the State as directed by the S.M.C.

State Organisers may be elected and remain in office for a period of three years, provided that if the funds are insufficient to meet the half-yearly expenditure, their services may be temporarily dispensed with at the discretion of the S.M.C.

The S.M.C. may appoint Temporary Organisers for a period not exceeding six (6) months; the duties of Organisers to be determined by the S.M.C.

2. Any Sub-Branch may, subject to the consent of the S.M.C., appoint a local Organiser for a period of not exceeding six months. An amount equal to 10 per cent of the previous half-year's income may be used for this purpose. This amount may be subsidised by the S.M.C. on application by the Sub-Branch.

RULE 41

SHOP STEWARDS:

For the convenience of members, Shop or Job Stewards may be appointed by Sub-Branches within the district under their control.

Should any Shop or Job Steward be victimised, or be reasonably supposed to be victimised, from carrying out any duties to the Union, the S.M.C. shall take all necessary steps to see that the member is compensated for any loss he may incur.

RULE 42

TOOL BENEFIT:

1. All members who have been in the Union for twelve (12)

RULE 22 — CLAUSE 1

1. All members who have been in the Union for twelve (12) months and are financial at the time of such loss, shall be entitled to compensation for tools lost by fire, theft, or in any other way that, in the opinion of the Sub-Branch Committee, will entitle them to benefit, to the amount of thirty pounds (£30) in any one claim, but no claim for Tool Benefit shall be entertained if it be under twenty-five shillings (25/-).

2. The maximum amount payable to any member for Tool Benefit shall not exceed thirty pounds (£30) in any period of 12 months

imperative for any Sub-Branch to supply [illegible] to those which have been lost, provided that the value of the tools supplied does not exceed the amount required in order to replace the lost tools. If the lost tools are recovered, the new ones shall be returned to the Sub-Branch to be disposed of at the discretion of the Sub-Branch.

Reporting Loss

4. Members claiming shall report the loss at the police station nearest to the job, and shall obtain the signature of the police officers on a form provided by the Branch Secretary as an acknowledgement of such report. A properly priced list shall be lodged with the Sub-Branch Secretary within seven days accompanied by a statutory declaration signed by a Justice of the Peace. The Sub-Branch Secretary shall ascertain from the police whether such loss has been reported.

5. Members claiming tool benefit shall attend the Sub-Branch meeting at which the claim is being considered unless reasonable excuse is forwarded.

Loss By Enemy Action

6. Nothing in this Rule shall render the Union liable to compensate any person for loss of any tools by him as a result of enemy or belligerent action.

RULE 23

FUNERAL ALLOWANCE

1. The Union shall pay out of its funds a funeral allowance to the representatives of deceased members who have been members for a period of twelve months. On the death of a member who does not owe more than one half-year's contributions, a sum of money in accordance with the appended scale of funeral allowances shall be paid to his widow, next of kin, or nominee, or whomsoever may, in the opinion of the Union, prove to have an equitable claim to it, provided that at the time of such member joining the Union he was not over fifty (50) years of age. Provided, however, that this provision shall not apply to any member who joined the Union prior to its amalgamation. In the event of a member dying, and there being no widow, next of kin, or nominee discovered to whom the Union may deem it just to pay the funeral allowance, the Union shall defray the cost of decent interment of the remains of such a member, and should the circumstances of such a case induce the Union to inter the remains and a claimant to the funeral allowance afterwards arise and prove his or her claim, the Union shall deduct from the amount of such claim, all the expenses it may have been put to on account of the interment, and pay the balance, if any, to the claimant.

RULE 23 — CLAUSE 2

2. Scale of Funeral Allowances:—On the death of a financial member who has been a member of the Union for twelve (12) months, the funeral allowance shall be twenty-five shillings (25/-), and shall increase at the rate of twenty-five shillings (25/-) per annum, the maximum to be twenty-five pounds (£25).

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RULE 24

SALARIES OF OFFICERS

The State Management Committee shall from time to time set down a scale of payments for Sub-Branch Secretaries, Sub-Branch Presidents, Vice-Presidents, Delegates, Money Stewards, Sick Stewards, Sub-Branch Committees, Returning Officers and Deputy Returning Officers, Scrutineers, and clerical assistance, provided that when such scale is determined, it shall be registered under the Trade Union Act and the Industrial Conciliation and Arbitration Act as part of the Rules of the Union.

RULE 25

OFFICERS' HOLIDAYS:

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

RULE 26

CONTINGENT FUND:

Banked by S.M.C.

1. All money collected for the Contingent Fund shall be forwarded by the Sub-Branch Secretaries to the S.M.C. each half-year, at the same time as the dues, under Rule 10, Clause 21, are remitted, and shall be banked by the S.M.C. in the name of the Union in a separate account.

How Used

2. The Contingent Fund shall be used for the purpose of relieving cases of distress amongst members that are recommended by the Sub-Branches to and approved of, by the S.M.C. It may be used for assisting our own or any other trade.

Applications to S.M.C.

3. All applications for donations to members shall be on a schedule provided by the Union, and no donation shall be made unless such schedule is filled in by the Sub-Branch Secretary and approved by the S.M.C.

4. Requests for donations for purposes other than the relief of members shall be forwarded to the S.M.C., and shall contain full particulars of the purpose of the proposed donation.

Qualifications for Assistance

5. No member who has been less than three months in the Union shall be eligible for assistance from this fund, but in no case shall this fund be used for the payment of benefit to which a member is otherwise disentitled.

RULE 27

APPRENTICES.

1. Candidates for this section must be proposed in the Sub-Branch meeting by adult members of the Union; they shall pay the usual entrance fee; they must have worked at the trade twelve (12) months, and be not less than sixteen (16) years of age.

Tool Benefit

2. Members of this section who have been in the Union twelve (12) months and are financial, shall be entitled to compensation for tools lost by fire or theft, or other ways that in the opinion of the Sub-Branch Committee entitle the member to benefit, to an amount

equal to half that allowed to members of the General Section. No claim to be entertained if it is under five shillings (5/-)

The conditions relating to Tool Benefit in Rule 23 shall be complied with. They shall have the same privileges as other members.

Transfer to Full Membership

2. On attaining the age of 21 years or on the completion of their apprenticeship, they shall be transferred to full membership.

RULE 28

ALTERATION TO RULES:

Any alteration, rescission or new rule regarding contributions, tool benefit or funeral benefit must be submitted to a ballot of financial members of the Branch.

Other rules may be altered or rescinded or new rules added by a majority of delegates to a State Delegate Convention as provided for by Rule 10 (18) of these Rules.

Provided that alterations of rules are submitted by Sub-Branches or State Management Committee and such proposals are forwarded to all Sub-Branches not later than three months before the opening day of Delegate Convention and subsequently forwarded with the notice calling the State Delegate Convention and in the hands of delegates not later than seven days prior to the opening of such Convention.

Provided that a State Delegate Convention may alter rules of which previous notice has not been given subject to two-thirds of the delegates voting in favour of the alterations.

Provided further that alterations to rules of an urgent nature may be made by a postal ballot of Convention Delegates to determine for or against the adoption of the alterations.

RULE 29

REFERENDUM:

Upon request of a majority of Sub-Branches comprising twenty-five per cent. of the membership requesting a referendum upon any matter, the S.M.C. shall immediately take a referendum of the whole membership and should any such referendum be carried by a majority of members voting by ballot, the same shall be binding upon members of the Branch.

RULE 30

RULE 30

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

Preferential Voting

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

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all

those papers on which a first preference is indicated for the same candidate.

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

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

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

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

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

RULE 31

STANDING ORDERS AND RULES OF DEBATE

Call to Speak

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

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

Motions

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

Amendment

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

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

Question Be Now Put

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

Speak Only Once

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

THIS IS THE ORDER OF BUSINESS AT YOUR UNION'S MEETINGS

- President declares the meeting open for business.
- Minutes of previous meeting are read and adopted.
- New members are admitted.
- Minutes of the Sub-branch Committee are read.
- Correspondence read and discussed.
- Auditor's Report.
- Reports of Delegates.
- Secretary's Cash Account.
- Election of branch and other officers.
- Adjourned business — New business.
- Adjournment.

★

Address to be delivered by Sub-branch President to members on admission.

"I have the pleasure to inform you that you have been admitted a member of the Building Workers' Industrial Union of Australia, Amalgamated Society of Carpenters and Joiners of Australasia. Now that you have joined with us I trust that you will use your best endeavours to advance the interests of the industry you are engaged in, and may you long be spared to be a useful and militant member of this Society, with honour to yourself and justice to your fellow workers. Brother, I welcome you."

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FEBRUARY 1965

B.W.I.U.

• RULES

Building Workers' Industrial Union of Australia

Queensland Branch

AMALGAMATED SOCIETY OF CARPENTERS & JOINERS OF AUSTRALASIA

Queensland Branch

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BUILDING WORKERS' INDUSTRIAL UNION OF AUSTRALIA

QUEENSLAND BRANCH

RULES

This Rule Book, printed in February, 1965, supercedes all previous Rule Books.

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Amalgamated Society of Carpenters and Joiners of Australasia

Union of Employees—Queensland Branch

RULES

RULE 1

NAME AND CONSTITUTION:

(1) The name shall be the Amalgamated Society of Carpenters and Joiners of Australasia, Queensland Branch (hereinafter referred to in these Rules as the Branch).
This Rule shall operate as from the fourteenth day of December, 1939.

The Branch shall consist of an unlimited number of persons, whether male or female, employed or usually employed as carpenters or joiners, including ship carpenters or joiners together with such other persons, whether employees in the industry or not, as have been appointed officers of the Association and admitted as members hereof.

(2) The seal of the Branch shall be oval in shape inscribed in the outer edge the words "Amalgamated Society of Carpenters and Joiners of Australasia" and it shall have on the inner space the words "Queensland State Management Committee."

RULE 2

OBJECTS:

1. To uphold the right of combination of labor, and to improve, protect, and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial and social legislation.
2. To regulate the conditions under which all members of the Union may be employed.
3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or Association, or Associations of Trade Unions, or any other organisation having objects similar in whole or in part to the objects of this Union.
4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.
5. To establish a funeral and other benefit funds.
6. To establish Sub-Branches or Sections of the Union throughout the State.
7. To further any scheme that has for its objects the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labor and Trade Union newspapers and wireless broadcasting stations, and to invest in shares in such newspapers and radio stations.
8. To constitute, conduct, carry on and manage clubs in the interests of members.
9. To pay affiliation fees to and assist financially or otherwise any bona fide Labor or Trade Union Organisation or Association.
10. To establish and manage a Union Journal.
11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.
12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.
13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

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14. To render legal and other assistance to members for the recovery of wages or compensation for injuries, to protect the interests of the trade in all its Branches, and to assist other trades by any legal method.

15. To obtain such other objects as may from time to time be determined in accordance with these rules.

16. To organise the education of members.

RULE 3

ENTRANCE FEE:

1. The Entrance Fee shall be 20/- or any other sum, as the Sub-Branch or State Management Committee may decide, but not more than 40/-.

MEMBERSHIP:

2. Application for membership shall be on the form provided, signed by the applicant and two financial members, who shall first satisfy themselves that the applicant is a fit and proper person to enter the Union.

All applicants for membership in the Union if residing within a three mile radius of the Sub-Branch where they apply, must, unless a satisfactory reason is given, attend the Meeting at which their application is considered.

3. All applications for membership shall be lodged together with the amount of Entrance Fee with the Sub-Branch Secretary, or such other person authorised by the S.M.C. Applications for membership shall be dealt with by the Sub-Branch or the S.M.C., who shall, if satisfied with the bona fides and Trade Qualifications of the applicant, admit him to membership of the Sub-Branch as from the date of the Receipt of his application form by the Sub-Branch Secretary, or other duly authorised person. The form of application for membership shall be as shown in Appendix 1 to these Rules.

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

5. Applicants for Membership shall be qualified workmen of good character and shall, when admitted to membership, enjoy all advantages of Membership so long as they comply with the registered Rules of the Union.

6. Any applicant who is a fully-paid up member of another Union, and who had previously been transferred from this Union to another Union, may be re-admitted on Clearance without Entrance Fee. Any member entering this Union on Clearance from another Union, shall qualify for Benefits according to Rules.

7. Applicants shall, if possible, attend the next meeting of the Sub-Branch to which he makes application. Failure to attend shall not necessarily attempt the Candidate from election to membership.

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

9. All members shall be supplied with a copy of the Rules free of charge, but any member requiring a second copy shall be charged threepence (3d.).

RULE 4

CONTRIBUTIONS

1. Contributions shall be 9d/- per half-year, payable in advance, part of such Contributions shall be used for the payment of producing Union Journals, and of posting same to the address of each financial member.

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One shilling of each 60/- Contributions shall be retained by each Sub-Branch as a Benefit Fund, which shall be governed by uniform Rules drawn up by the State Management Committee, and each Fund shall be subject to audit and a copy of the Statement of Half-Yearly Receipts and Expenditure forwarded to the State Office.

One shilling shall be paid into the Contingent Fund, and used for the purposes, and in the manner laid down in Rule 26.

That from each half-yearly subscription received from members, the sum of 2/6 or such amount as determined from time to time to maintain the existing service to members, shall be used to provide to each financial member by post to his home address a copy of each issue of the publication entitled "The Queensland Building Workers' Journal."

The amounts allocated for the publication and posting of the said Journal shall be accounted in the annual Balance Sheet and duly audited

Apprentices' Contributions and Entrance Fee

3. Contributions by apprentices shall be two shillings and sixpence (2/6) entrance fee, and three shillings and sixpence (3/6) per half year for the first three years of apprenticeship, ten shillings (10/-) per half year for the fourth year of apprenticeship and fifteen shillings (15/-) per half year for the fifth year of apprenticeship.

Exemption from Contributions

3. Sub-Branch Committees may grant exemption from Contributions to members who have been unemployed for more than eighteen Weeks during any half year. Application for exemption must be made in writing with proof of unemployment being submitted.

Aged and Infirm Members

4. All members over 65 years of age who have had 25 years' continuous membership in the Union, who through physical infirmities, are unable to work continuously at the trade, may retain membership by paying 2/- per half year in advance, for which they shall be entitled to receive funeral benefit only, provided that this does not apply to members who are over 50 years of age when joining the Union. Members wishing to be placed under this Rule shall make application to the Sub-Branch Secretary.

When Unfinancial

5. Any member who fails to pay his contribution in advance on or before the half-year night of his Sub-Branch shall be deemed unfinancial.

Entrance Between Half-Year Nights

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

Recovery of Arrears

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

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Resignation

8. A member may resign his membership:

(a) If he accepts employment in an industry other than that represented by the Organisation, or

(b) On giving to the Sub-Branch Secretary three months' notice and the payment of all dues to the date of his resignation.

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

10. A member who joins an Employers' Association shall resign immediately he joins such organisation.

Funds the Property of the Members Generally

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

RULE 5

REMOVAL OF OFFICERS:

1. The State Management Committee shall be under the control of the members. Any officer or member of the S.M.C. being charged with neglect of duty, grave misconduct or violation of the Rules of the Union may be suspended immediately by decision of the S.M.C. Prior to such suspension such officer or member shall be given particulars of the charge laid against him and a reasonable opportunity of being heard in his defence. In case of an appeal against suspension the grounds for such suspension, together with the appeal of the officer suspended shall, within two months of suspension be fully set out, and submitted to the members for confirmation or rejection; such decision of the members to be final. Should there be no appeal against suspension the S.M.C. shall have power to dismiss the officer concerned. Appeals under this Rule must be lodged with the Secretary of the Sub-Branch to which the member belongs within fourteen (14) days of suspension.

2. The State Management Committee or any officer may be removed from office by resolution carried on a ballot by a simple two-thirds majority of those voting of the members of the Branch, and in the event of any officer or members being removed from office an election must be held within one month of such removal from office in accordance with Rule 19.

In any ballot there shall be sent to every member entitled to vote a statement not exceeding 600 words by the person or persons proposing the removal and a statement not exceeding 600 words by the officer or officers of the State Management Committee proposed to be removed.

RULE 6

BANKING AND EXPENDITURE OF FUNDS:

1. All moneys of the Union in Queensland shall be banked by the State and Sub-Branch Officers in the Commonwealth Bank of Australia, or such other Bank as the S.M.C. may decide.

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

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RULE 7

AUDIT OF ACCOUNTS:

The S.M.C. shall appoint annually a competent person as its auditor who shall have full and complete access to all the books and documents of the Branch. Such person shall audit annually the accounts of the Branch and of the Capital City Sub-Branch. The accounts of the other Sub-Branches shall be audited half-yearly in the manner provided in Rule 12, Clause 16.

A competent person, within the meaning of this Rule, shall be a person, other than a member of the organisation or branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of Public Accountants or a person who is licensed or registered as an Auditor under the law of a State or Territory of the Commonwealth relating to Companies.

RULE 8

REGISTERED OFFICE:

The Registered Office of the Union in Queensland shall be at the Trades Hall, Edward Street, Brisbane.

RULE 9

A register of members in the State shall be kept in the Registered Office.

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

RULE 10

STATE MANAGEMENT COMMITTEE:

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

They shall elect delegates to attend Federal Conferences of the Building Workers' Industrial Union of Australia.

Qualification for S.M.C. and Period of Office

2. The State Management Committee shall consist of six members elected as members of the State Management Committee and the State Secretary. Any three shall constitute a quorum. No member of less than three (3) years' continuous financial membership in the State of Queensland shall be eligible for election to the State Management Committee. They shall be elected and continue in office for a period of three (3) years.

The S.M.C. shall meet in the Trades Hall, Brisbane, for the purpose of controlling the Union's business.

3. The State Management Committee shall elect from its members a Branch President and a Branch Vice-President.

Duties—Branch President

The duties of the Branch President shall be as follows:—

(i) The Branch President shall preside at all meetings of the S.M.C., State or Special Conference, and at meetings convened by the State Conference or S.M.C.

(ii) He shall carry out such duties as may be assigned to him from time to time by the S.M.C., and by the State Secretary acting on their behalf.

(iii) He shall conduct the business in accordance with the standing orders and rules of debate.

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(17) He shall, upon the minutes being confirmed, sign the minute book in the presence of the meeting, and he shall have the meeting, by resolution, endorse or reject all accounts submitted for payment.

Duties—Branch Vice-President

The duties of the Branch Vice-President shall be as follows:—

(1) In the absence of the Branch President he shall carry out the duties of Branch President.

S.M.C. Executive

4. The State Management Committee shall meet not less than four times each year. However, any two members of the State Management Committee may by notice in writing addressed to the President require him to summon a special meeting of the State Management Committee.

The State Management Committee shall elect an Executive of not less than three members of the State Management Committee and the State Secretary to control the affairs of the Union in Queensland between meetings of the State Management Committee. Such Executive shall be subject to the control of the State Management Committee and the Minutes of each Executive meeting shall be immediately forwarded to each member of the State Management Committee and all Sub-Branches. Where practicable the Executive shall meet fortnightly.

5. The State Secretary shall be elected and remain in office for a period of three (3) years. He shall also act as Secretary of the Brisbane Sub-Branch.

Delegation Approval

6. No Sub-Branch shall have the power to delegate any member on Union business for any period above one week in any half-year without first obtaining the approval of the State Committee. Any infringement of this Rule by any member or Sub-Branch shall be deemed misconduct, and members or Sub-Branches infringing this Rule may be fined by the S.M.C. any sum not exceeding £10. This Rule shall not affect the Rule allowing 10 per cent of the Sub-Branch Income to be used for local organising.

Interpretation of Rules

7. The S.M.C. shall interpret all Rules requiring interpretation.

Legal Proceedings

8. The trustees of the Union after being authorised by the S.M.C. shall be empowered to take legal proceedings for recovery of arrears of contributions and fines, breaches of Awards and recovery of Accident compensation.

9. The State Committee may, provided the funds of the S.M.C. are sufficient to meet the additional expense, appoint one or more Organisers.

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

Control and Suspension of Members

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

The S.M.C. shall immediately notify the Sub-Branch to which the member belongs of its decision.

A fine imposed under this rule shall not exceed £5 nor shall any suspension from benefit exceed a period of three years.

Any action taken against a member shall be in accordance with the provisions laid down in Rule 14.

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Transfer of Members

12. They shall have power at the request of a member to order the transfer of any member from any Sub-Branch under their jurisdiction, to any other Sub-Branch in Queensland, when, in the opinion of the S.M.C., such transfer is necessary to enable the member concerned properly to participate in the affairs of the Branch.

13. They shall have power to grant donations from the Contingent Fund when application has been made in accordance with the provisions of Rule 26.

Aggregate Meetings

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

The S.M.C. shall have power to establish Sub-Branches of fifty or more members on a locality basis and of less than fifty members on an industry basis if, in the opinion of the S.M.C., the members' industrial interests warrant the formation of a Sub-Branch.

Delegates' Meeting

15. Whenever it is necessary to obtain the opinion of members in any district with five hundred (500) members and upwards, it may be done by special Summoned Meetings of the Sub-Branches in such district, when delegates shall be elected from each Sub-Branch in proportion to the Sub-Branch membership in accordance with the following scale: Under 100 members, one delegate; 100 and under 250 members, two delegates; 250 and upwards, three delegates; who shall be paid according to Rule 24.

Delegate Convention

16. (a) The S.M.C. shall convene at regular intervals not more than each two years (but at earlier intervals should it be deemed necessary) a State Delegate Convention consisting of delegates elected from Sub-Branches and Jobs throughout the State and also comprised of members of the S.M.C. and full-time officials of the Union.

(b) The method of financing such Convention and the number of delegates, Sub-Branches and Jobs may elect to attend such Convention shall be determined by the S.M.C. from time to time.

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

(d) The State Delegate Convention shall, from time to time, determine the policy of the Union to be observed by the membership and by the S.M.C.

(e) The State Delegate Convention may recommend that a referendum of the membership be taken on any rule or rules of the Union required to be submitted to a ballot of the membership.

Special Auditors

17. The S.M.C. may at any time appoint two Auditors to audit the books of any Sub-Branch or direct that the books be forwarded to the State Office for audit.

Control of Organisers

18. They shall have control over the Organisers, and shall have power to call on the Capital City Sub-Branch Secretary to perform any duty that may arise which does not interfere with his duties as Sub-Branch Secretary.

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19. In districts where an Organiser-Secretary has been appointed or elected, he shall be under the control of the Sub-Branch he visits for organising purposes only, for the period allotted by this District Committee.

20. No fully-paid official other than the Secretary shall hold a position on the S.M.C.

S.M.C. Finance and Contingent Fund

21. The S.M.C. shall have control of the property in their State and, in addition to the provision of Rule 4, Clause 11, shall draw from each Sub-Branch, Job Stewards and Organisers the total contributions, entrance fees and fines collected.

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

The State Management Committee may disperse monies for the purpose set out in the objects of the Union, and such funds may be invested from time to time in such manner as may be determined by the State Management Committee. No donation exceeding £100 shall be made from the Contingent Fund without the sanction of a majority of the Sub-Branches in Queensland.

Affiliation

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

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

Delegating Powers

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

Trustees

25. The S.M.C. shall elect from among their members three Trustees (any two with the State Secretary to operate) and a Branch President who shall have a deliberate vote only. They shall also elect delegates to Federal Conference and a Branch Returning Officer who, after applications have been called for the position shall be appointed by the S.M.C. for that purpose.

The property and finance of the Branch shall be vested in the names of the three trustees. The funds of the Branch shall be banked in the manner prescribed in Rule 4. On a written authority, signed by the Branch President and the Branch Secretary, any two of the three trustees shall sign cheques for such sums as may be voted by the State Management Committee or the State Management Committee Executive in accordance with these Rules. Such cheques to be countersigned by the Branch Secretary.

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

Elections by S.M.C.

26. (a) In any election by the S.M.C. the following procedure shall be observed:

(b) If all S.M.C. members are in attendance at the S.M.C. meeting at which the election is to be held, viz. in the case of the Branch President, Branch Vice-President and the Trustees during the month of January following the triennial elections, in the case of

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delegates to Federal Conference at least one calendar month prior to the annual meeting of the Federal Conference and in the case of other positions as may be determined by the S.M.C., nominations shall be called and a ballot shall be held.
A member of the S.M.C. unable to attend the meeting of the S.M.C. at which an election was to have been held and who desired to nominate himself or some other qualified person for a position may do so by written notification to the Branch President. Such notification shall be sent to the Branch President not later than the time fixed for the commencement of the meeting.

(c) In the election of delegates to Federal Conference, the Branch Returning Officer shall call for nominations by notice appearing one calendar month prior to the date of the S.M.C. meeting at which the election is to be held, in one daily newspaper circulating throughout the State of Queensland.
Nominations shall be in writing and signed by the candidate.
Nominations shall close fourteen days after the publication of the notice and if more than sufficient nominations are received the Returning Officer shall conduct the election at the next meeting of the S.M.C.

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

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

(f) Voting shall close one hour after the commencement of the meeting or at such times as all S.M.C. members have voted.

(g) The Returning Officer shall thereupon open the ballot box and in the presence of the S.M.C. members who desire to be present, proceed to count the ballot. The candidate or candidates up to the number required receiving the highest number of votes shall be declared elected.

(h) In the case of an equality of votes for any two or more candidates, the Returning Officer shall determine by casting his vote which of the candidates is elected.

(i) The Returning Officer shall notify the S.M.C. of the result of the ballot and the S.M.C. shall publish same in the S.M.C. Minutes.

(j) Should a vacancy occur in any of the above positions the S.M.C. shall fill the position within one month. But if the term remaining is more than six months an election shall be held to fill the vacancy. In any such election the provisions of this rule shall apply with any necessary modifications.

(k) Should one or more members of the S.M.C. be absent from the meeting at which an election was to have been held, a postal ballot of all members of the S.M.C. shall be held within seven days of such meeting.

(l) In such election the Returning Officer shall immediately post to each S.M.C. member a properly initialled ballot paper on which no other distinguishing mark appears together with a business reply or stamped envelope for the return of same to the Post Office Box marked on the envelope.

(m) On the morning of the eighth day following the despatch of the ballot papers by the Returning Officer, the Returning Officer and the scrutineers appointed by the S.M.C. shall collect the ballot papers from the Post Office Box and then proceed to the Union

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Office where they shall count the ballot. The candidate or candidates up to the number required receiving the highest number of votes shall be declared elected.

(n) The Returning Officer shall notify the S.M.C. of the result of the ballot and the S.M.C. shall publish same in the S.M.C. Minutes.

(o) The S.M.C. shall appoint one of its members who is not a candidate as scrutineer and any candidate may appoint any member of the Branch to act as scrutineer on his behalf. Any scrutineer shall be entitled to be present at and to observe all stages of the ballot.

(p) Any accidental or unavoidable omission or error in the carrying out or observance of this Rule shall not invalidate the election if such omission or error appears not to have affected the result of an election.

(q) In any election the Returning Officer and scrutineers shall conduct themselves in a sober, proper and impartial manner and do all things necessary to preserve the secrecy of the ballot. Scrutineers shall, as far as practicable, be present at all stages of the ballot.

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

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

RULE 11

DUTIES OF SECRETARY OF THE STATE MANAGEMENT COMMITTEE—CONTROLLED BY S.M.C.

1. He shall be under the control of the S.M.C., and shall devote the whole of his working time to the business of the Union.

He shall be the registered (State) Officer to sue or be sued on behalf of the Union in his State in regard to any legal matter within the State in which his S.M.C. has jurisdiction.

He shall keep a correct record of the members in his State and shall, when instructed by the S.M.C., sue for the recovery of arrears of contributions or other monies due to the Union by the members in his State.

The State Secretary shall keep or cause to be kept proper books of accounts showing the receipts and expenditure of the Branch, and separate accounts of receipts from all Sub-Branches, and also correct records of all monies received or paid on account of any particular fund, and separate accounts of all management expenses and of all contributions on account thereof, as required by the Queensland Trade Union Act of 1915 and amendments thereof.

The State Secretary shall endorse all vouchers for payment certifying to their correctness, and shall prepare a balance sheet in accordance with Rule 11 (2).

The State Secretary shall submit to each meeting of the State Management Committee an interim statement of receipts and payments made up to the end of the week preceding the meeting.

Wages Boards

2. He shall attend to all Wages Board, Arbitration Court, and other legal matters coming within the jurisdiction of the S.M.C. He shall keep all books and documents necessary to a proper working of the office of the S.M.C. He shall prepare a half-yearly report and also a yearly balance sheet showing the income and expenditure for that term, and upon the same being audited and adopted by the S.M.C., he shall send a copy to the Sub-Branches over which the S.M.C. has jurisdiction.

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He shall prepare and forward to the Registrar of Trade Unions all returns required by law.

Neglect of Duty

3. Should he fail to carry out his duties to the satisfaction of the S.M.C., he may be dealt with by such committee in the manner prescribed in Rule 8.

Resignation or Removal

4. In the event of his desiring to resign, he shall give at least one month's notice or be fined five pounds (£5). Upon resigning or being removed from office, according to Rule 5, he shall, within seven (7) days, deliver up to whatever person the S.M.C. may appoint, all books, documents and other property of the Union then in his possession. Before the books are handed over to his successor in office they shall be audited.

RULE 12

POWERS AND DUTIES OF SUB-BRANCHES:

1. For the convenience of members, Sub-Branches may be opened in any town in the State. No Sub-Branch shall be opened without the consent of the S.M.C. Each Sub-Branch shall have power to elect its own officers and with the consent of the S.M.C. generally control its own business.

When Disbanded

2. In no case shall any Sub-Branch close or disband without the authority of the S.M.C. in which case all cash or other property shall be handed over to the S.M.C.

Visiting Members

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

Clearances

4. Any member entering a Sub-Branch by clearance shall not have a vote in that Sub-Branch until his clearance has been accepted by such Sub-Branch.

5. No Sub-Branch shall hold its meetings in licensed premises where alcohol is sold.

6. Sub-Branches shall accept a transfer for any member, and issue a transfer for any member who applies for same, subject to the provisions of Rule 15, Clauses 2 and 3, and all arrears of contributions shown on the clearance card sent from a Sub-Branch in one State to a Sub-Branch in another State shall be collected and retained by the Sub-Branch to which the members have been transferred.

7. Each Sub-Branch may obtain a room and a safe and/or steel cabinet and office equipment for the safe keeping of Union property provided the S.M.C. is advised of the cost of such facilities and has approved whatever payment is necessary to secure such facilities.

Interpretation of Rules

8. Should any Rules require interpretation, or be not clearly defined, they shall be sent to the S.M.C. for their decision. All such decisions shall be inserted in the minute book of the Sub-Branch.

Resolutions to S.M.C.

9. Resolutions to the S.M.C. shall be submitted in writing to the S.B.P., and the number of members present, and the numbers of votes for and against such resolution, shall be stated when the resolutions are sent to the S.M.C.

Correspondence Confidential

10. All communications or copies of correspondence from the S.M.C. shall remain the property of the Union and information relating to the same shall not be divulged to any outside body or bodies without first obtaining the sanction of the S.M.C.

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Sub-Branches Allowed

11. In all country towns there shall be only one Sub-Branch. Each capital city shall have only one Sub-Branch, and no other Sub-Branch shall operate within a radius of five miles of the meeting place of the City Sub-Branch except with the consent of the S.M.C.

Sub-Branch Officers

12. Sub-Branches shall elect the Sub-Branch Committee. Sub-Branch Committee shall consist of President, Vice-President and Secretary and six committee men, one of whom may be an apprentice. Sub-Branches with more than 100 members may also elect a Money Steward and Door Keeper. The Sub-Branch Secretary may appoint Sick Stewards as they are required.

13. Any member neglecting the duties for which he is elected, shall, unless a satisfactory apology is furnished, be fined by his Sub-Branch or S.M.C. any amount not exceeding five pounds (£5).

14. Any officer of a Sub-Branch, member of a Committee, or delegate elected by such Sub-Branch, who is absent without a reasonable excuse from three consecutive meetings, shall be deemed to have vacated his seat and the Sub-Branch shall fill the vacancy.

Meetings: When Held

15. City Sub-Branches shall meet fortnightly to transact business. Suburban and Country Sub-Branches, with the consent of the S.M.C., may vary this Rule to suit their convenience. The time of opening and closing meetings to be at the discretion of each Sub-Branch.

16. The Books of each Sub-Branch shall be sent each half-year to the State Office for audit.

17. Sub-Branches shall have power to strike a levy of not more than £3 for purely local purposes, provided due notice thereof has been given to members and provided that two-thirds of the members voting shall decide in favour of the levy. Voting shall be by ballot of the members of the Sub-Branches concerned. In no circumstances shall any levy be imposed which would so operate as to impose a liability for levies in a sum exceeding £3 per annum on a member.

18. Any member residing within a three miles' radius of the meeting place of the Sub-Branch who fails to attend a Summoned Meeting shall be fined a sum not exceeding 2/-, unless a satisfactory excuse is tendered.

19. The Sub-Branch President and Secretary may and on requisition signed by ten per cent of the members of the Sub-Branch shall call a special meeting of the Sub-Branch. No business shall be transacted at such a meeting other than the business set out in the requisition or in the notice calling the meeting.

20. Sub-Branch By-laws shall be registered under "The Trade Union Act of 1915." The precise location of all meetings at which the business of the Sub-Branch shall be conducted shall be published six months in advance in the notice published half-yearly for that purpose. Copy of each such half-yearly notice shall be filed forthwith with the Trade Union Registrar.

RULE 13

DUTIES OF SUB-BRANCH OFFICERS AND COMMITTEES:

(a) Sub-Branch President

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

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3. He shall sign the Sub-Branch minutes of the previous meeting, after they have been confirmed by the Sub-Branch. He shall examine the Sub-Branch bank book each meeting night (when such book is not held by the bank) and report to the Sub-Branch the result of each banking transaction, the record to be inserted in the Minute Book. He shall countersign all orders for payment of money authorised by the Sub-Branch, and all orders for remittances to the S.M.C. when requested to do so by the State Secretary, and for capitation fees due to the S.M.C. under Rule 10, Clause 21. He shall also cause to be recorded in the minute book the number voting for and against all suggestions for alteration of Rules, or resolutions intended for the S.M.C. and the numbers present when the vote is taken.

(b) Sub-Branch Secretary

Correspondence; Keep Account of Income and Expenditure; Clearances

1. The Sub-Branch Secretary shall attend all meetings of the Sub-Branch or Committee. He shall conduct all correspondence and take the minutes of Committee meetings. He shall be responsible for the collecting of contributions, fines, and other money due to the Union by members of his Sub-Branch. He shall keep a clear and correct account of all receipts and expenditure in connection with the Sub-Branch. He shall register carefully the name, age and residence of every member, and shall, within one month, forward to the State Secretary, correctly filled in registration cards for all members admitted into the Sub-Branch, and also transfer cards for all members leaving the Sub-Branch. He shall also notify the State Secretary of all resignations and deaths.

Balance Sheets

2. He shall prepare, in duplicate, a half-yearly balance sheet and report, setting out all income and expenditure incurred during the period covered by such balance sheet, one copy to be forwarded to the State M.C. within seven days after the half-yearly meeting. He shall close his books immediately after the first meeting night in June and December and the contributions for the next ensuing half-year shall be due and payable on the second meeting in the months of March and September. He shall give every facility to the Auditors to examine all books and papers in connection with the Sub-Branch. He shall read out to the Sub-Branch a fortnightly cash account. He shall be the custodian of the official stamp of the Sub-Branch, and be ex-officio member of all sub-committees, but shall not have a vote on any matter in which he is personally or financially interested.

Half-Yearly Summons

3. He shall supply all necessary advice to the State Office to enable it to advise the Sub-Branch members of the time, place and date of the half-year meeting, which shall be in March and September of each year and the second meeting of the month where fortnightly meetings are held and the State Secretary shall forthwith notify all Sub-Branch members thereof. He shall supply all details to the State Office to enable it to advise members in arrears. Special meetings of the Sub-Branch may be called as decided by the Sub-Branch. He shall perform all clerical and other duties appertaining to the position of the Secretary.

All Sub-Branch meetings called in accordance with this sub-clause shall be held at the place fixed by Rule 12 (20) for conduct of the business of the Sub-Branch.

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Suspended Members

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

5. He shall accept all clearances (that are permitted) from other Unions, also transfers from other Sub-Branches or other States, and shall issue transfers for any members applying for same. He shall also transfer all members who do not comply with Rule 16. Clause 2, to the Sub-Branches nearest to which they reside.

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

Pay Benefits

6. He shall pay all benefits according to Rules 22 and 23, and he may be made to refund all expenditure that is made contrary to the provisions of these Rules.

Resignation or Removal

7. In the event of resigning he shall give one month's notice, or be fined 10/-, except in the case of illness or removal from the town. On his resignation or being removed from office, or on demand of the S.M.C., or whomsoever they may authorise, he shall, within seven days, deliver up all books, documents and property of the said Sub-Branch to the S.M.C. or Trustee. Before the books are handed over to his successor in office they shall be audited.

Neglect of Duty

8. Should he fail to carry out any of his duties to the satisfaction of the Sub-Branch, it shall, upon the matter being reported, refer it to the Sub-Branch Committee, who shall investigate it and report to a subsequent meeting, which shall have power to deal with him according to the provisions of Rule 12, Clause 14.

(c) Vice-President

He shall record the minutes of all Sub-Branch and special meetings and shall preside over meetings in the absence of the Sub-Branch President.

(d) Doorkeeper

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

(e) Sub-Branch Finances

The funds of each Sub-Branch shall be banked as provided in the Rules.

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

(f) Sub-Branch Committee

In every Sub-Branch there shall be a Committee elected in accordance with Rule 12 (13) who shall meet when required on being summoned by the Sub-Branch Secretary, three to form a quorum. The President shall have a casting vote only, and the Secretary shall have no vote. The minutes of the proceedings shall be signed by the Chairman at the close of each meeting, and submitted to the

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next Sub-Branch Meeting for confirmation or otherwise. If necessary they shall examine and determine claims for lost tools. In the event of a member being charged with acting contrary to the policy of the Union the Sub-Branch Committee shall have power to refuse payment of any benefit to such member until the charge has been investigated by the S.M.C. and its decision conveyed to the Sub-Branch. They shall hear and decide all cases of appeal from a member against an officer of the Sub-Branch. Any member of a Sub-Branch Committee who is absent without reasonable excuse from three consecutive meetings shall be deemed to have vacated his seat, and the Sub-Branch shall fill the vacancy. The Committee shall meet at least once per half-year for the purpose of drawing up an Agenda and making a report of the half-year's work for the half-yearly meeting of the Sub-Branch.

(g) Sick Stewards

Sick Stewards shall, when instructed by the S-B.S. visit any member who is sick or who has met with an accident, and report to the next Sub-Branch meeting.

(h) Returning Officers and Scrutineers

1. The Sub-Branch Returning Officer shall be responsible for the conduct of Sub-Branch elections. He shall procure all ballot papers, initial same, and issue to the member entitled to vote. He shall, if necessary, have a casting as well as a primary vote.

2. All ballot papers must be returned by 9 p.m. on meeting night and counted as soon as possible in the presence of two scrutineers. The result to be declared immediately count is complete. The candidate or candidates up to the number required receiving the highest number of votes shall be elected.

3. Scrutineers shall attend all meetings at which elections are being conducted, and assist the S.-B.R.O. in all matters connected with the elections.

(i) Money Stewards

The Money Stewards shall attend the half-yearly Sub-Branch Meetings punctually at the time of commencing of business, and shall take money and issue receipts to members.

RULE 14

ELECTION OF SUB-BRANCH OFFICERS:

1. The election of all Sub-Branch Officers shall be held on the yearly meeting nights in March, which shall be by ballot of all members present at the meeting; no distinguishing figure or mark to be on ballot papers, same to be initialled by the Returning Officer.

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

3. Candidates for office shall be financial members of 12 months' standing in the State and shall be proposed and seconded by two financial members. Nomination shall be accepted on the meeting night prior to the date of election; failing nominations for any office on the night prior to the elections, nominations for such office may be accepted at the meeting on the night of election. All candidates shall give consent in writing or be present at the meeting when nominated.

RULE 15

DUTIES OF MEMBERS:

1. No member shall call on or write to any S.-B.S. at the works where he is employed.

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

3. Members changing their residence and not informing the S.-B.S. in writing within three months of such change of address, unless a satisfactory reason is given, shall be fined not more than 2/6.

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RULE 16

MISCONDUCT OF MEMBERS:

(a) Any member knowingly violating any registered rule of the Union may be fined a sum not exceeding £3 by the Sub-Branch. Should, however, the matter be referred to the State Management Committee, they shall have power to fine the member an amount not exceeding £5, expel him from membership or suspend him from benefit for a period of not more than six months for such an offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer, may be fined a sum not exceeding 20/- and should he persist, the Presiding Officer shall have power to call on the members to expel him from such meeting until such time as the fine is paid and an apology is tendered for such conduct

(c) It shall be competent for the State Management Committee to inflict a fine not exceeding £5, suspend from benefit for a period not exceeding three years, or expel from the Union a member upon satisfactory proof that such member has refused to comply with its decision.

(d) Charges under these Rules shall be made in writing within one month of the discovery of the incident to which it refers, to the Sub-Branch or State Management Committee. The member so charged shall be summoned to attend a meeting of Sub-Branch Committee or State Executive, or State Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be sufficient if posted to his last known place of abode not less than five days, or in the case of a member whose last known place of abode is situated more than 100 miles from Brisbane, not less than ten days before the date of such meeting.
At the appointed time and place the charge shall be investigated either by the Sub-Branch or State Executive or State Management Committee, whether or not the member shall be in attendance. The decision of the Sub-Branch or Executive shall be binding on the member, subject to the right of appeal to the State Management Committee whose decision shall be final on all matters whether by appeal or otherwise. All meetings, in accordance with this sub-clause, shall be held at the place fixed by the Registered Rules for the conduct of the business of the Branch or Sub-Branch.
A member may, if he desires, make his answer to the charges in writing.

(e) Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with by the State Management Committee provided that the maximum fine that may be imposed shall not exceed £5.

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

RULE 17

PAYMENT AND RECOVERY OF FINES:

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

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RULE 18

APPEALS OF MEMBERS AND SUB-BRANCHES AND S.M.C.:

Right of Appeal

1. Any member finding himself aggrieved against the actions or decisions of the officers or members of the Union may, in the case of any grievance, appeal to his Sub-Branch for redress, and if still aggrieved, he may further appeal to the S.M.C. within one month, whose decision shall be final and such decision must be conveyed to those concerned.

Not to Furnish Other Evidence

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

When Not Considered

3. The S.M.C. shall not consider any appeal for assistance pursuant to Rule 26 from any member whose total dues to the Union amount to twelve months' contributions or more.

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

Sub-Branch Appeals

5. Should any Sub-Branch appeal against the decision of the S.M.C. closing or suspending the functioning of a Sub-Branch the decision shall not take effect until the appeal is decided by the State Delegate Convention in meeting assembled or by postal vote of Convention delegates.

RULE 19

ELECTION OF STATE SECRETARY, S.M.C. MEMBERS AND ORGANISERS:

(1) Any member of the Queensland Branch who is financial and who at the time of nomination has had not less than three years continuous financial membership immediately prior to nomination may nominate for any of the positions named at the head of this rule. No member shall be a candidate for two or more offices that, if elected to, he would be unable to hold at the same time.

(2) The term of office for the above positions shall be three years and such term shall commence from the date the successful candidates are declared elected by the Returning Officer conducting the ballot.

(3) A candidate for any of the above positions shall complete the nomination form which shall be available from the Returning Officer and Sub-Branches of the Union. The nomination form must be signed by the candidate and endorsed by two financial members who immediately prior to signing the nomination have had not less than 12 months continuous financial membership.

(4) Nominations for the above positions shall open on the first day of October in the year in which the ballot is to be held and shall close at noon on the fourteenth day of October in that year. All Sub-Branches shall be notified by circular of the opening and closing date of nominations and shall be supplied with nomination forms prior to the opening date of nominations.

(5) If at the closing date for the nominations only sufficient nominations have been received to fill any vacancy or vacancies, the Returning Officer shall thereupon declare the person or persons so nominating elected.

(6) If more nominations are received than there are vacancies, the

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Returning Officer shall arrange for the names to be drawn in a Ballot in the presence of the State Management Committee and such names shall be placed on the Ballot Paper in the order in which they are so drawn.

(7) Within six days of the closure of nominations, the State Secretary shall provide the Returning Officer with a certified list of members entitled to vote in the election.
The members entitled to vote shall be those who in a year in which the above Ballot is conducted are financial to the month of September in that year.
The list of members entitled to vote shall be available at the office of the Branch and it may be perused by any Scrutineers or members entitled to vote in the said election. Notice of the availability of the list shall be published in the "Courier-Mail."

(8) The Returning Officer shall post to each member entitled to vote a Ballot Paper personally initialled by him, together with a printed Business Reply Envelope in which the Ballot Paper must be returned. The opening date of the Ballot shall be the first day of November and the closing date shall be Noon on the seventeenth day of November in the year in which the ballot is held.

(9) All Ballot Papers shall be returned to the Returning Officer C/- the Post Office Box named on the Business Reply Envelope. The Post Office Box to which the Ballot Papers are to be returned, shall be hired by the Returning Officer prior to the despatch of Ballot Papers or if the Box has been previously used by the Union he shall cause the lock to be changed.
The Returning Officer shall at times, reasonable notice of which has been given to the Scrutineers, collect the returned Ballot Papers from the Post Office Box and deposit them in the Ballot Box. Such Ballot Box shall be kept at the Bank at which the Branch Account is held for the time being, and shall prior to the commencement of the Ballot be held by the Returning Officer and may be sealed by any Scrutineer.

On the conclusion of the Ballot the Ballot Box shall be picked up by the Returning Officer at a time, reasonable notice of which has been given to the Scrutineers, and taken to the Union's rooms and be opened in the presence of Scrutineers and the count shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the Ballot Box, to which any seals may be affixed by a Scrutineer.

(10) Two Scrutineers who are not candidates but who are members of the Union shall be appointed by the State Management Committee prior to the closing of nominations; they shall assist the Returning Officer in all stages of the Ballot, including the count.

(11) Any candidate at his own expense may appoint a financial member of the Union to act as his Scrutineer. Any Scrutineer so appointed may be present at any stage of the Ballot, provided that the Returning Officer is also present.

(12) In the case of the State Secretary, the candidate with the highest number of votes shall be declared elected.
In the case of the State Management Committee, the six candidates with the highest number of votes shall be declared elected.
In the case of State Organisers, the candidates up to the number required and with the highest number of votes shall be declared elected.

(13) In the case of an equality of votes for any two or more candidates, the Returning Officer shall determine by casting his vote which of the candidates is elected.

(14) The Returning Officer shall notify the State Management Committee of the result of the Ballot in writing and the State

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Management Committee shall publish such result in its Minutes and the "Building Workers' Journal" and/or "Building Worker." He shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch Area.

The Returning Officer's Report to the State Management Committee shall contain all relevant information including the number of Ballot Papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(15) The successful candidates shall take up their respective duties immediately they are declared elected by the Returning Officer and they shall remain elected until their successors take office.

(16) Should a vacancy occur in any of the above mentioned offices, the State Management Committee shall fill the position by election for the remaining portion of the term within one month. Nominations for any vacancy shall be called through the Sub-Branches of the Union and nominees shall fulfil the conditions laid down in Rule 18 (1) and Rule 19 (2).
Provided that until the 1966 elections the three years referred to in clause (2) of Rule 10 and clause (1) hereof shall continue to be regarded as three years continuous membership.

(17) In any election the Returning Officer and Scrutineers shall do all things necessary to preserve the secrecy of the Ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the Ballot. They shall obey any directions given to them by the Returning Officer. If any Scrutineer or Scrutineers are not present at any stage or stages of the Ballot, the Returning Officer may proceed nonetheless.

(18) Any accidental or unavoidable omission or error in the carrying out or observance of this Rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

RULE 20

ORGANISERS:

1. The S.M.C. shall not less than two months prior to the closing of nominations as prescribed in Rule 18, determine the number of organisers to be elected.

The Organisers shall be under the control of the S.M.C. and shall when required, attend meetings of the S.M.C. They shall perform such organising duties as may be required and shall visit shops and jobs where members of the Union and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and Sub-Branch Secretaries, and carry out organisational work in any part of the State as directed by the S.M.C.

State Organisers may be elected and remain in office for a period of three years, provided that if the funds are insufficient to meet the half-yearly expenditure, their services may be temporarily dispensed with at the discretion of the S.M.C.

The S.M.C. may appoint Temporary Organisers for a period not exceeding six (6) months; the duties of Organisers to be determined by the S.M.C.

2. Any Sub-Branch may, subject to the consent of the S.M.C., appoint a local Organiser for a period of not exceeding six months. An amount equal to 10 per cent of the previous half-year's income may be used for this purpose. This amount may be subsidised by the S.M.C. on application by the Sub-Branch.

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RULE 21

SHOP STEWARDS:

For the convenience of members, Shop or Job Stewards may be appointed by Sub-Branches within the district under their control.

Should any Shop or Job Steward be victimised, or be reasonably supposed to be victimised, from carrying out any duties to the Union, the E.M.C. shall take all necessary steps to see that the member is compensated for any loss he may incur.

RULE 22

TOOL BENEFIT:

1. All members who have been in the Union for twelve (12) months and are financial at the time of such loss, shall be entitled to compensation for tools lost by fire, theft, or in any other way that, in the opinion of the Sub-Branch Committee, will entitle them to benefit, to the amount of thirty pounds (£30) in any one claim, but no claim for Tool Benefit shall be entertained if it be under twenty-five shillings (25/-).

2. The maximum amount payable to any member for Tool Benefit shall not exceed thirty pounds (£30) in any period of 12 months.

Not Paid in Money

3. No tool claim shall be paid in money, although it shall not be imperative for any Sub-Branch to supply members with similar tools to those which have been lost, provided that the value of the tools supplied does not exceed the amount required in order to replace the lost tools. If the lost tools are recovered, the new ones shall be returned to the Sub-Branch to be disposed of at the discretion of the Sub-Branch.

Reporting Loss

4. Members claiming shall report the loss at the police station nearest to the job, and shall obtain the signature of the police officers on a form provided by the Branch Secretary as an acknowledgement of such report. A properly priced list shall be lodged with the Sub-Branch Secretary within seven days accompanied by a statutory declaration signed by a Justice of the Peace. The Sub-Branch Secretary shall ascertain from the police whether such loss has been reported.

5. Members claiming tool benefit shall attend the Sub-Branch meeting at which the claim is being considered unless reasonable excuse is forwarded.

Loss By Enemy Action

6. Nothing in this Rule shall render the Union liable to compensate any person for loss of any tools by him as a result of enemy or belligerent action.

RULE 23

FUNERAL ALLOWANCE:

1. The Union shall pay out of its funds a funeral allowance to the representatives of deceased members who have been members for a period of twelve months. On the death of a member who does not owe more than one half-year's contributions, a sum of money in accordance with the appended scale of funeral allowances shall be paid to his widow, next of kin, or nominee, or whomsoever may, in the opinion of the Union, prove to have an equitable claim to it, provided that at the time of such member joining the Union he was not over fifty (50) years of age. Provided, however, that this provision shall not apply to any member who joined the Union prior to its amalgamation. In the event of a member dying, and there being no widow,

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next of kin, or nominee discovered to whom the Union may deem it just to pay the funeral allowance, the Union shall defray the cost of decent interment of the remains of such a member, and should the circumstances of such a case induce the Union to inter the remains and a claimant to the funeral allowance afterwards arise and prove his or her claim, the Union shall deduct from the amount of such claim, all the expenses it may have been put to on account of the interment, and pay the balance, if any, to the claimant.

2. Scale of Funeral Allowances:—On the death of a financial member who has been a member of the Union for twelve (12) months, the funeral allowance shall be twenty-five shillings (25/-), and shall increase at the rate of twenty-five shillings (25/-) per annum, the maximum to be twenty-five pounds (£25).

RULE 24

SALARIES OF OFFICERS:

The State Management Committee shall from time to time set down a scale of payments for Sub-Branch Secretaries, Sub-Branch Presidents, Vice-Presidents, Delegates, Money Stewards, Risk Stewards, Sub-Branch Committees, Returning Officers and Deputy Returning Officers, Scrutineers, and clerical assistance, provided that when such scale is determined, it shall be registered under the Trade Union Act and the Industrial Conciliation and Arbitration Act as part of the Rules of the Union.

RULE 25

OFFICERS' HOLIDAYS:

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

RULE 26

CONTINGENT FUND:

Banked by S.M.C.

1. All money collected for the Contingent Fund shall be forwarded by the Sub-Branch Secretaries to the S.M.C. each half-year, at the same time as the dues, under Rule 10, Clause 21, are remitted, and shall be banked by the S.M.C. in the name of the Union in a separate account.

How Used

2. The Contingent Fund shall be used for the purpose of relieving cases of distress amongst members that are recommended by the Sub-Branches to and approved of, by the S.M.C. It may be used for assisting our own or any other trade.

Applications to S.M.C.

3. All applications for donations to members shall be on a schedule provided by the Union, and no donation shall be made unless such schedule is filled in by the Sub-Branch Secretary and approved by the S.M.C.

4. Requests for donations for purposes other than the relief of members shall be forwarded to the S.M.C., and shall contain full particulars of the purpose of the proposed donation.

Qualifications for Assistance

5. No member who has been less than three months in the Union shall be eligible for assistance from this fund, but in no case shall this fund be used for the payment of benefit to which a member is otherwise dis-entitled.

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APPRENTICES:

RULE 37

1. Candidates for this section must be proposed in the Sub-Branch meeting by adult members of the Union; they shall pay the usual entrance fee; they must have worked at the trade twelve (12) months, and be not less than sixteen (16) years of age.

Tool Benefit

2. Members of this section who have been in the Union twelve (12) months and are financial, shall be entitled to compensation for tools lost by fire or theft, or other ways that in the opinion of the Sub-Branch Committee entitle the member to benefit, to an amount equal to half that allowed to members of the General Section. No claim to be entertained if it is under five shillings (5/-).

The conditions relating to Tool Benefit in Rule 22 shall be complied with. They shall have the same privileges as other members.

Transfer to Full Membership

3. On attaining the age of 21 years or on the completion of their apprenticeship, they shall be transferred to full membership.

RULE 38

ALTERATION TO RULES:

Any alteration, rescission or new rule regarding contributions, tool benefit or funeral benefit must be submitted to a ballot of financial members of the Branch.

Other rules may be altered or rescinded or new rules added by a majority of delegates to a State Delegate Convention as provided for by Rule 10 (16) of these Rules.

Provided that alterations of rules are submitted by Sub-Branches or State Management Committee and such proposals are forwarded to all Sub-Branches not later than three months before the opening day of Delegate Convention and subsequently forwarded with the notice calling the State Delegate Convention and in the hands of delegates not later than seven days prior to the opening of such Convention.

Provided that a State Delegate Convention may alter rules of which previous notice has not been given subject to two-thirds of the delegates voting in favour of the alterations.

Provided further that alterations to rules of an urgent nature may be made by a postal ballot of Convention Delegates to determine for or against the adoption of the alterations.

RULE 39

REFERENDUM:

Upon request of a majority of Sub-Branches comprising twenty-five per cent of the membership requesting a referendum upon any matter, the S.M.C. shall immediately take a referendum of the whole membership and should any such referendum be carried by a majority of members voting by ballot, the same shall be binding upon members of the Branch.

RULE 40

DISSOLUTION:

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

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RULE 31

STANDING ORDERS AND RULES OF DEBATE

Call to Speak

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

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

Motions

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

Amendment

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

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

Question Be Now Put

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

Speak Only Once

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

Time Limit

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

Reply

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

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

President's Right to Speak

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

Limit to Debate

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

Notice of Motion

13. At any meeting of the Sub-Branch any member may give notice of motion for a future meeting by (1) reading such notice to the meeting; or (2) handing a copy thereof to the President. Such notice

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of motion shall take precedence in the order in which it stands in the minute book, in relation to other similar notices, unless otherwise ordered by the Sub-Branch, and shall lapse if the member, or some member on his behalf, be not present when the order of the day for such notice is read.

Motion to Adjourn

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

Moving Dissent From Chairman's Ruling

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

How Put

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

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

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

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

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

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APPENDIX 1

PARTICULARS ON FORM AS PRESCRIBED BY RULE 2

(Surname) (Christian Name)

Write plainly, and write surname in BLOCK type.

BUILDING WORKERS' INDUSTRIAL UNION OF AUSTRALIA
Amalgamated Society of Carpenters and Joiners of Australasia

PROPOSITION AND ADMISSION FORM

..... Sub-Branch

I, the undersigned, aged ..... years, of .....

..... in the State of .....

on the ..... day of ..... 19..., do hereby agree to become a member of the Building Workers' Industrial Union of Australia (Amalgamated Society of Carpenters and Joiners of Australasia) and agree to conform to the Laws and Rules of the said Union.

Signed .....

The abovenamed was admitted as a member of the said Union on the

..... day of ..... 19 .

Proposed by ..... President

Proposed by ..... Secretary

(See Over)

(DO NOT FOLD OR CREASE THIS CARD)

(Reverse side of Proposition and Admission Form)—

HISTORY

1. Have you previously been a member of the A.S.C.J. or B.W.I.U.?

State Particulars .....

.....

Are you a member of any other Industrial Union?

State Particulars .....

Apprentices State Date— * Completed Trade.
* Entered Trade.
* Strike out which is not applicable.

TRANSFERS

BRANCH TRANSFERRED	DATE	ADDRESS

00300

THIS IS THE ORDER OF BUSINESS AT YOUR UNION'S MEETINGS

- President declares the meeting open for business.
- Minutes of previous meeting are read and adopted.
- New members are admitted.
- Minutes of the Sub-Branch Committee are read.
- Correspondence read and discussed.
- Auditor's Report.
- Reports of Delegates.
- Secretary's Cash Account.
- Election of branch and other officers.
- Adjourned business — New business.
- Adjournment.

★

Address to be delivered by Sub-Branch President to members on admission.

"I have the pleasure to inform you that you have been admitted a member of the Building Workers' Industrial Union of Australia, Amalgamated Society of Carpenters and Joiners of Australasia. Now that you have joined with us I trust that you will use your best endeavours to advance the interests of the industry you are engaged in, and may you long be spared to be a useful and militant member of this Society, with honour to yourself and justice to your fellow workers. Brother, I welcome you."

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AUGUST 1968

Amendment
April 1969
Stonemasons

B.W.I.U.

• RULES

Building Workers' Industrial Union of Australia
Queensland Branch

AMALGAMATED SOCIETY OF CARPENTERS & JOINERS OF AUSTRALASIA
Queensland Branch

00302

—AUGUST, 1968

BUILDING WORKERS' INDUSTRIAL UNION OF AUSTRALIA

QUEENSLAND BRANCH

RULES

This reprint of the Rules includes amendments to Rule 4 (1) contributions, Rule 4 (5) half-year meetings, and Rule 12 (15) sub-branch meeting nights.

—Reprinted August, 1960.

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Amalgamated Society of Carpenters and Joiners of Australasia

Union of Employees—Queensland Branch

RULES

RULE 1

NAME AND CONSTITUTION:

(1) The name shall be the Amalgamated Society of Carpenters and Joiners of Australasia, Queensland Branch (hereinafter referred to in these Rules as the Branch).

This Rule shall operate as from the fourteenth day of December, 1960.

INSERT after the words "ship carpenters or joiners" and before the word "together" on the eighth line of Rule 1 (1) the following—

"or as stone masons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions."

—Certified April 10, 1962.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or Association, or Associations of Trade Unions, or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Sub-Branches or Sections of the Union throughout the State.

7. To further any scheme that has for its objects the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labor and Trade Union newspapers and wireless broadcasting stations, and to invest in shares in such newspapers and radio stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide Labor or Trade Union Organisation or Association.

10. To establish and maintain a Union Journal.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

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14. To render legal and other assistance to members for the recovery of wages or compensation for injuries, to protect the interests of the trade in all its Branches, and to assist other trades by any legal method.

15. To obtain such other objects as may from time to time be determined in accordance with these rules.

16. To organise the education of members.

RULE 3

ENTRANCE FEE:

1. The Entrance Fee shall be $2 or any other sum, as the Sub-Branch or State Management Committee may decide, but not more than $4

MEMBERSHIP:

2. Application for membership shall be on the form provided, signed by the applicant and two financial members, who shall first satisfy themselves that the applicant is a fit and proper person to enter the Union.

All applicants for membership in the Union if residing within a three mile radius of the Sub-Branch where they apply, must, unless a satisfactory reason is given, attend the Meeting at which their application is considered.

3. All applications for membership shall be lodged together with the amount of Entrance Fee with the Sub-Branch Secretary, or such other person authorised by the S.M.C. Applications for membership shall be dealt with by the Sub-Branch or the S.M.C., who shall, if satisfied with the bona fides and Trade Qualifications of the applicant, admit him to membership of the Sub-Branch as from the date of the Receipt of his application form by the Sub-Branch Secretary, or other duly authorised person. The form of application for membership shall be as shown in Appendix 1 to these Rules.

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

5. Applicants for Membership shall be qualified workmen of good character and shall, when admitted to membership, enjoy all advantages of Membership so long as they comply with the registered Rules of the Union

6. Any applicant who is a fully-paid up member of another Union, and who had previously been transferred from this Union to another Union, may be re-admitted on Clearance without Entrance Fee. Any member entering this Union on Clearance from another Union, shall qualify for Benefits according to Rules.

7. Applicants shall, if possible, attend the next meeting of the Sub-Branch to which he makes application Failure to attend shall not necessarily exempt the Candidate from election to membership

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

9. All members shall be supplied with a copy of the Rules free of charge, but any member requiring a second copy shall be charged two cents (2c).

RULE 4

CONTRIBUTIONS

1. Contributions shall be $6 per half-year, payable in advance, part of such Contributions shall be used for the payment of producing Union Journals, and of posting same to the address of each financial member.

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Ten cents of each $6 Contributions shall be retained by each Sub-Branch as a Benefit Fund, which shall be governed by uniform Rules drawn up by the State Management Committee, and each Fund shall be subject to audit and a copy of the Statement of Half-Yearly Receipts and Expenditure forwarded to the State Office.

Ten cents shall be paid into the Contingent Fund, and used for the purposes, and in the manner laid down in Rule 26.

From each half-yearly subscription received from members, the sum of 25c or such amount as determined from time to time to maintain the existing service to members, shall be used to provide to each financial member by post to his home address a copy of each issue of the publication entitled "The Queensland Building Workers' Journal."

The amounts allocated for the publication and posting of the said Journal shall be accounted in the annual Balance Sheet and duly audited.

Apprentices' Contribution and Entrance Fee

2. Contributions by apprentices shall be twenty-five cents (25c) entrance fee, and thirty-five cents (35c) per half-year for the first three years of apprenticeship, one dollar ($1) per half-year for the fourth year of apprenticeship and one dollar and fifty cents ($1.50) per half-year for the fifth year of apprenticeship.

Exemption from Contributions

3. Sub-Branch Committees may grant exemption from Contributions to members who have been unemployed for more than Eighteen Weeks during any half year. Application for exemption must be made in writing with proof of unemployment being submitted.

Aged and Infirm Members

4. All members over 65 years of age who have had 25 years' continuous membership in the Union, who through physical infirmities, are unable to work continuously at the trade, may retain membership by paying 25c per half year in advance, for which they shall be entitled to receive funeral benefit only, provided that this does not apply to members who are over 50 years of age when joining the Union. Members wishing to be placed under this Rule shall make application to the Sub-Branch Secretary.

When Unfinancial

5. Any member who fails to pay his half-year contributions in advance on or before March 31 for the half-year March-September or September 30 for the half-year September-March shall be deemed to be unfinancial.

Entrance Between Half-Year Nights

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

Recovery of Arrears

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

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Resignation

8. A member may resign his membership:

(a) If he accepts employment in an industry other than that represented by the Organisation, or

(b) On giving to the Sub-Branch Secretary three months' notice and the payment of all dues to the date of his resignation.

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

10. A member who joins an Employers' Association shall resign immediately he joins such organisation.

Funds the Property of the Members Generally

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

RULE 5

REMOVAL OF OFFICERS:

1. The State Management Committee shall be under the control of the members. Any officer or member of the S.M.C. being charged with neglect of duty, grave misconduct or violation of the Rules of the Union may be suspended immediately by decision of the S.M.C. Prior to such suspension such officer or member shall be given particulars of the charge laid against him and a reasonable opportunity of being heard in his defence. In case of an appeal against suspension the grounds for such suspension, together with the appeal of the officer suspended shall, within two months of suspension be fully set out, and submitted to the members for confirmation or rejection; such decision of the members to be final. Should there be no appeal against suspension the S.M.C. shall have power to dismiss the officer concerned. Appeals under this Rule must be lodged with the Secretary of the Sub-Branch to which the member belongs within fourteen (14) days of suspension.

2. The State Management Committee or any officer may be removed from office by resolution carried on a ballot by a simple two-thirds majority of those voting of the members of the Branch, and in the event of any officer or members being removed from office an election must be held within one month of such removal from office in accordance with Rule 10.

In any ballot there shall be sent to every member entitled to vote a statement not exceeding 500 words by the person or persons proposing the removal and a statement not exceeding 500 words by the officer or officers of the State Management Committee proposed to be removed.

RULE 6

BANKING AND EXPENDITURE OF FUNDS:

1. All moneys of the Union in Queensland shall be banked by the State and Sub-Branch Officers in the Commonwealth Bank of Australia, or such other Bank as the S.M.C. may decide.

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

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RULE 7

AUDIT OF ACCOUNTS:

The S.M.C. shall appoint annually a competent person as its auditor who shall have full and complete access to all the books and documents of the Branch. Such person shall audit annually the accounts of the Branch and of the Capital City Sub-Branch. The accounts of the other Sub-Branches shall be audited half-yearly in the manner provided in Rule 12, Clause 16.

A competent person, within the meaning of this Rule, shall be a person, other than a member of the organisation or branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of Public Accountants or a person who is licensed or registered as an Auditor under the law of a State or Territory of the Commonwealth relating to Companies.

RULE 8

REGISTERED OFFICE:

The Registered Office of the Union in Queensland shall be at the Trades Hall, Edward Street, Brisbane.

RULE 9

A register of members in the State shall be kept in the Registered Office.

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

RULE 10

STATE MANAGEMENT COMMITTEE:

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

They shall elect delegates to attend Federal Conferences of the Building Workers' Industrial Union of Australia.

Qualification for S.M.C. and Period of Office

2. The State Management Committee shall consist of six members elected as members of the State Management Committee and the State Secretary. Any three shall constitute a quorum. No member of less than three (3) years' continuous financial membership in the State of Queensland shall be eligible for election to the State Management Committee. They shall be elected and continue in office for a period of three (3) years.

The S.M.C. shall meet in the Trades Hall, Brisbane, for the purpose of controlling the Union's business.

3. The State Management Committee shall elect from its members a Branch President and a Branch Vice-President.

Duties—Branch President

The duties of the Branch President shall be as follows:—

(i) The Branch President shall preside at all meetings of the S.M.C., State or Special Conferences, and at meetings convened by the State Conference or S.M.C.

(ii) He shall carry out such duties as may be assigned to him from time to time by the S.M.C., and by the State Secretary acting on their behalf.

(iii) He shall conduct the business in accordance with the standing orders and rules of debate.

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(iv) He shall, upon the minutes being confirmed, sign the minute book in the presence of the meeting, and he shall have the meeting, by resolution, endorse or reject all accounts submitted for payment.

Duties—Branch Vice-President

The duties of the Branch Vice-President shall be as follows:—

(i) In the absence of the Branch President he shall carry out the duties of Branch President.

S.M.C. Executive

4. The State Management Committee shall meet not less than four times each year. However, any two members of the State Management Committee may by notice in writing addressed to the President require him to summon a special meeting of the State Management Committee.

The State Management Committee shall elect an Executive of not less than three members of the State Management Committee and the State Secretary to control the affairs of the Union in Queensland between meetings of the State Management Committee. Such Executive shall be subject to the control of the State Management Committee and the Minutes of each Executive meeting shall be immediately forwarded to each member of the State Management Committee and all Sub-Branches. Where practicable the Executive shall meet fortnightly.

5. The State Secretary shall be elected and remain in office for a period of three (3) years. He shall also act as Secretary of the Brisbane Sub-Branch

Delegation Approval

6. No Sub-Branch shall have the power to delegate any member on Union business for any period above one week in any half-year without first obtaining the approval of the State Committee. Any infringement of this Rule by any member or Sub-Branch shall be deemed misconduct, and members or Sub-Branches infringing this Rule may be fined by the S.M.C. any sum not exceeding $20. This Rule shall not affect the Rule allowing 10 per cent of the Sub-Branch Income to be used for local organising.

Interpretation of Rules

7. The S.M.C. shall interpret all Rules requiring interpretation.

Legal Proceedings

8. The trustees of the Union after being authorised by the S.M.C. shall be empowered to take legal proceedings for recovery of arrears of contributions and fines, breaches of Awards and recovery of Accident compensation.

9. The State Committee may, provided the funds of the S.M.C. are sufficient to meet the additional expense, appoint one or more Organisers.

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

Control and Suspension of Members

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

The S.M.C. shall immediately notify the Sub-Branch to which the member belongs of its decision.

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

Any action taken against a member shall be in accordance with the provisions laid down in Rule 16.

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Transfer of Members

12. They shall have power at the request of a member to order the transfer of any member from any Sub-Branch under their jurisdiction, to any other Sub-Branch in Queensland, when, in the opinion of the S.M.C., such transfer is necessary to enable the member concerned properly to participate in the affairs of the Branch.

13. They shall have power to grant donations from the Contingent Fund when application has been made in accordance with the provisions of Rule 26.

Aggregate Meetings

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

The S.M.C. shall have power to establish Sub-Branches of fifty or more members on a locality basis and of less than fifty members on an industry basis if, in the opinion of the S.M.C., the members' industrial interests warrant the formation of a Sub-Branch.

Delegates' Meeting

15. Whenever it is necessary to obtain the opinion of members in any district with five hundred (500) members and upwards, it may be done by special Summoned Meetings of the Sub-Branches in such district, when delegates shall be elected from each Sub-Branch in proportion to the Sub-Branch membership in accordance with the following scale: Under 100 members, one delegate; 100 and under 250 members, two delegates; 250 and upwards, three delegates; who shall be paid according to Rule 24.

Delegate Convention

16. (a) The S.M.C. shall convene at regular intervals not more than each two years (but at earlier intervals should it be deemed necessary) a State Delegate Convention consisting of delegates elected from Sub-Branches and Jobs throughout the State and also comprised of members of the S.M.C. and full-time officials of the Union.

(b) The method of financing such Convention and the number of delegates. Sub-Branches and Jobs may elect to attend such Convention shall be determined by the S.M.C. from time to time.

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

(d) The State Delegate Convention shall, from time to time, determine the policy of the Union to be observed by the membership and by the S.M.C.

(e) The State Delegate Convention may recommend that a referendum of the membership be taken on any rule or rules of the Union required to be submitted to a ballot of the membership.

Special Auditors

17. The S.M.C. may at any time appoint two Auditors to audit the books of any Sub-Branch or direct that the books be forwarded to the State Office for audit.

Control of Organisers

18. They shall have control over the Organisers, and shall have power to call on the Capital City Sub-Branch Secretary to perform any duty that may arise which does not interfere with his duties as Sub-Branch Secretary.

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18. In districts where an Organiser-Secretary has been appointed or elected, he shall be under the control of the Sub-Branch he visits for organising purposes only, for the period allotted by this District Committee.

20. No fully-paid official other than the Secretary shall hold a position on the S.M.C.

S.M.C. Finance and Contingent Fund

21. The S.M.C. shall have control of the property in their State and, in addition to the provision of Rule 4, Clause 11, shall draw from each Sub-Branch, Job Stewards and Organisers the total contributions, entrance fees and fines collected.

Each Sub-Branch shall retain in a Sub-Branch Bank Account a sum determined by the State Management Committee from which it shall pay all accounts covered by these rules and the State Management Committee shall reimburse this Sub-Branch Account, as required by the Sub-Branch to restore the account to the original sum.

The State Management Committee may disburse moneys for the purpose set out in the objects of the Union, and such funds may be invested from time to time in such manner as may be determined by the State Management Committee. No donation exceeding $200 shall be made from the Contingent Fund without the sanction of a majority of the Sub-Branches in Queensland.

Affiliation

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

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

Delegating Powers

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

Trustees

25. The S.M.C. shall elect from among their members three Trustees (any two with the State Secretary to operate) and a Branch President who shall have a deliberate vote only. They shall also elect delegates to Federal Conference and a Branch Returning Officer who, after applications have been called for the position shall be appointed by the S.M.C. for that purpose.

The property and finance of the Branch shall be vested in the names of the three trustees. The funds of the Branch shall be banked in the manner prescribed in Rule 6. On a written authority, signed by the Branch President and the Branch Secretary, any two of the three trustees shall sign cheques for such sums as may be voted by the State Management Committee or the State Management Committee Executive in accordance with these Rules. Such cheques to be countersigned by the Branch Secretary.

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

Elections by S.M.C.

26. (a) In any election by the S.M.C. the following procedure shall be observed.

(b) If all S.M.C. members are in attendance at the S.M.C. meeting at which the election is to be held, viz. in the case of the Branch President, Branch Vice-President and the Trustees during the month of January following the triennial elections, in the case of

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delegates to Federal Conference at least one calendar month prior to the annual meeting of the Federal Conference and in the case of other positions as may be determined by the S.M.C., nominations shall be called and a ballot shall be held.
A member of the S.M.C unable to attend the meeting of the S.M.C. at which an election was to have been held and who desires to nominate himself or some other qualified person for a position may do so by written notification to the Branch President. Such notification shall be sent to the Branch President not later than the time fixed for the commencement of the meeting.

(c) In the election of delegates to Federal Conference, the Branch Returning Officer shall call for nominations by notice appearing one calendar month prior to the date of the S.M.C. meeting at which the election is to be held, in one daily newspaper circulating throughout the State of Queensland
Nominations shall be in writing and signed by the candidate.
Nominations shall close fourteen days after the publication of the notice and if more than sufficient nominations are received the Returning Officer shall conduct the election at the next meeting of the S.M.C.

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

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

(f) Voting shall close one hour after the commencement of the meeting or at such times as all S.M.C members have voted.

(g) The Returning Officer shall thereupon open the ballot box and in the presence of the S.M.C. members who desire to be present, proceed to count the ballot. The candidate or candidates up to the number required receiving the highest number of votes shall be declared elected.

(h) In the case of an equality of votes for any two or more candidates, the Returning Officer shall determine by casting his vote which of the candidates is elected.

(i) The Returning Officer shall notify the S.M.C. of the result of the ballot and the S.M.C. shall publish same in the S.M.C. minutes.

(j) Should a vacancy occur in any of the above positions the S.M.C. shall fill the position within one month. But if the term remaining is more than six months an election shall be held to fill the vacancy. In any such election the provisions of this rule shall apply with any necessary modifications.

(k) Should one or more members of the S.M.C. be absent from the meeting at which an election was to have been held, a postal ballot of all members of the S.M.C. shall be held within seven days of such meeting.

(l) In such election the Returning Officer shall immediately post to each S.M.C. member a properly initialled ballot paper on which no other distinguishing mark appears together with a business reply or stamped envelope for the return of same to the Post Office Box marked on the envelope.

(m) On the morning of the eighth day following the despatch of the ballot papers by the Returning Officer, the Returning Officer and the scrutineers appointed by the S.M.C. shall collect the ballot papers from the Post Office Box and then proceed to the Union

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Office where they shall count the ballot. The candidate or candidates up to the number required receiving the highest number of votes shall be declared elected.

(n) The Returning Officer shall notify the S.M.C. of the result of the ballot and the S.M.C. shall publish same in the S.M.C. Minutes.

(o) The S.M.C. shall appoint one of its members who is not a candidate as scrutineer and any candidate may appoint any member of the Branch to act as scrutineer on his behalf. Any scrutineer shall be entitled to be present at and to observe all stages of the ballot.

(p) Any accidental or unavoidable omission or error in the carrying out or observance of this Rule shall not invalidate the election if such omission or error appears not to have affected the result of an election.

(q) In any election the Returning Officer and scrutineers shall conduct themselves in a sober, proper and impartial manner and do all things necessary to preserve the secrecy of the ballot.
Scrutineers shall, as far as practicable, be present at all stages of the ballot.

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

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

RULE 11

DUTIES OF SECRETARY OF THE STATE MANAGEMENT COMMITTEE—CONTROLLED BY S.M.C.

1. He shall be under the control of the S.M.C., and shall devote the whole of his working time to the business of the Union.

He shall be the registered (State) Officer to sue or be sued on behalf of the Union in his State in regard to any legal matter within the State in which his S.M.C. has jurisdiction.

He shall keep a correct record of the members in his State and shall, when instructed by the S.M.C., sue for the recovery of arrears of contributions or other monies due to the Union by the members in his State.

The State Secretary shall keep or cause to be kept proper books of accounts showing the receipts and expenditure of the Branch, and separate accounts of receipts from all Sub-Branches, and also correct records of all monies received or paid on account of any particular fund, and separate accounts of all management expenses and of all contributions on account thereof, as required by the Queensland Trade Union Act of 1915 and amendments thereof.

The State Secretary shall endorse all vouchers for payment certifying to their correctness, and shall prepare a balance sheet in accordance with Rule 11 (2).

The State Secretary shall submit to each meeting of the State Management Committee an interim statement of receipts and payments made up to the end of the week preceding the meeting.

Wages Boards

2. He shall attend to all Wages Board, Arbitration Court, and other legal matters coming within the jurisdiction of the S.M.C. He shall keep all books and documents necessary to a proper working of the office of the S.M.C. He shall prepare a half-yearly report and also a yearly balance sheet showing the income and expenditure for that term, and upon the same being audited and adopted by the S.M.C., he shall send a copy to the Sub-Branches over which the S.M.C. has jurisdiction.

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He shall prepare and forward to the Registrar of Trade Unions all returns required by law.

Neglect of Duty

3. Should he fail to carry out his duties to the satisfaction of the S.M.C., he may be dealt with by such committee in the manner prescribed in Rule 5.

Resignation or Removal

4. In the event of his desiring to resign, he shall give at least one month's notice or be fined ten dollars ($10). Upon resigning or being removed from office, according to Rule 5, he shall, within seven (7) days, deliver up to whatever person the S.M.C. may appoint, all books, documents and other property of the Union then in his possession. Before the books are handed over to his successor in office they shall be audited.

RULE 12

POWERS AND DUTIES OF SUB-BRANCHES:

1. For the convenience of members, Sub-Branches may be opened in any town in the State. No Sub-Branch shall be opened without the consent of the S.M.C. Each Sub-Branch shall have power to elect its own officers and with the consent of the S.M.C. generally control its own business.

When Disbanded

2. In no case shall any Sub-Branch close or disband without the authority of the S.M.C., in which case all cash or other property shall be handed over to the S.M.C.

Visiting Members

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

Clearances

4. Any member entering a Sub-Branch by clearance shall not have a vote in that Sub-Branch until his clearance has been accepted by such Sub-Branch.

5. No Sub-Branch shall hold its meetings in licensed premises where alcohol is sold.

6. Sub-Branches shall accept a transfer for any member, and issue a transfer for any member who applies for same, subject to the provisions of Rule 15, Clauses 2 and 3, and all arrears of contributions shown on the clearance card sent from a Sub-Branch in one State to a Sub-Branch in another State shall be collected and retained by the Sub-Branch to which the members have been transferred.

7. Each Sub-Branch may obtain a room and a safe and/or steel cabinet and office equipment for the safe keeping of Union property provided the S.M.C. is advised of the cost of such facilities and has approved whatever payment is necessary to secure such facilities.

Interpretation of Rules

8. Should any Rules require interpretation, or be not clearly defined, they shall be sent to the S.M.C. for their decision. All such decisions shall be inserted in the minute book of the Sub-Branch.

Resolutions to S.M.C.

9. Resolutions to the S.M.C. shall be submitted in writing to the S.B.P., and the number of members present, and the numbers of votes for and against such resolution, shall be stated when the resolutions are sent to the S.M.C.

Correspondence Confidential

10. All communications or copies of correspondence from the S.M.C. shall remain the property of the Union and information relating to the same shall not be divulged to any outside body or bodies without first obtaining the sanction of the S.M.C.

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Sub-Branches Allowed

11. In all country towns there shall be only one Sub-Branch. Each capital city shall have only one Sub-Branch, and no other Sub-Branch shall operate within a radius of five miles of the meeting place of the City Sub-Branch except with the consent of the S.M.C.

Sub-Branch Officers

12. Sub-Branches shall elect the Sub-Branch Committee. Sub-Branch Committee shall consist of President, Vice-President and Secretary and six committee men, one of whom may be an apprentice. Sub-Branches with more than 100 members may also elect a Money Steward and Door Keeper. The Sub-Branch Secretary may appoint Sick Stewards as they are required.

13. Any member neglecting the duties for which he is elected, shall, unless a satisfactory apology is furnished, be fined by his Sub-Branch or S.M.C. any amount not exceeding ten dollars ($10).

14. Any officer of a Sub-Branch, member of a Committee, or delegate elected by such Sub-Branch, who is absent without a reasonable excuse from three consecutive meetings, shall be deemed to have vacated his seat and the Sub-Branch shall fill the vacancy

Meetings: When Held

15. Sub-Branches of the Union shall meet at least monthly to transact business and the time of opening and closing the Sub-Branch meeting shall be at the discretion of each Sub-Branch.

16. The Books of each Sub-Branch shall be sent each half-year to the State Office for audit.

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

18. Any member residing within a three miles' radius of the meeting place of the Sub-Branch who fails to attend a Summoned Meeting shall be fined a sum not exceeding 50c, unless a satisfactory excuse is tendered.

19. The Sub-Branch President and Secretary may and on requisition signed by ten per cent of the members of the Sub-Branch shall call a special meeting of the Sub-Branch. No business shall be transacted at such a meeting other than the business set out in the requisition or in the notice calling the meeting

20. Sub-Branch By-laws shall be registered under "The Trade Union Act of 1915." The precise location of all meetings at which the business of the Sub-Branch shall be conducted shall be published six months in advance in the notice published half-yearly for that purpose. Copy of each such half-yearly notice shall be filed forthwith with the Trade Union Registrar.

RULE 13

DUTIES OF SUB-BRANCH OFFICERS AND COMMITTEES

(a) Sub-Branch President

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

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Bank Book: Countersign Orders for Payments; Branch Resolutions

2. He shall sign the Sub-Branch minutes of the previous meeting, after they have been confirmed by the Sub-Branch. He shall examine the Sub-Branch bank book each meeting night (when such book is not held by the bank) and report to the Sub-Branch the result of each banking transaction, the record to be inserted in the Minute Book. He shall countersign all orders for payment of money authorised by the Sub-Branch, and all orders for remittances to the S.M.C. when requested to do so by the State Secretary, and for capitation fees due to the S.M.C. under Rule 10, Clause 21. He shall also cause to be recorded in the minute book the number voting for and against all suggestions for alteration of Rules, or resolutions intended for the S.M.C. and the numbers present when the vote is taken.

(b) Sub-Branch Secretary

Correspondence; Keep Account of Income and Expenditure; Clearances

1. The Sub-Branch Secretary shall attend all meetings of the Sub-Branch or Committee. He shall conduct all correspondence and take the minutes of Committee meetings. He shall be responsible for the collecting of contributions, fines, and other money due to the Union by members of his Sub-Branch. He shall keep a clear and correct account of all receipts and expenditure in connection with the Sub-Branch. He shall register carefully the name, age and residence of every member, and shall, within one month, forward to the State Secretary, correctly filled in registration cards for all members admitted into the Sub-Branch, and also transfer cards for all members leaving the Sub-Branch. He shall also notify the State Secretary of all resignations and deaths.

Balance Sheets

2. He shall prepare, in duplicate, a half-yearly balance sheet and report, setting out all income and expenditure incurred during the period covered by such balance sheet, one copy to be forwarded to the State M.C. within seven days after the half-yearly meeting. He shall close his books immediately after the first meeting night in June and December and the contributions for the next ensuing half-year shall be due and payable on the second meeting in the months of March and September. He shall give every facility to the Auditors to examine all books and papers in connection with the Sub-Branch. He shall read out to the Sub-Branch a fortnightly cash account. He shall be the custodian of the official stamp of the Sub-Branch, and be ex-officio member of all sub-committees, but shall not have a vote on any matter in which he is personally or financially interested.

Half-Yearly Summons

3. He shall supply all necessary advice to the State Office to enable it to advise the Sub-Branch members of the time, place and date of the half-year meeting, which shall be in March and September of each year and the second meeting of the month where fortnightly meetings are held and the State Secretary shall forthwith notify all Sub-Branch members thereof. He shall supply all details to the State Office to enable it to advise members in arrears. Special meetings of the Sub-Branch may be called as decided by the Sub-Branch. He shall perform all clerical and other duties appertaining to the position of the Secretary.

All Sub-Branch meetings called in accordance with this sub-clause shall be held at the place fixed by Rule 17 (20) for conduct of the business of the Sub-Branch.

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Suspended Members

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

5. He shall accept all clearances (that are permitted) from other Unions, also transfers from other Sub-Branches or other States, and shall issue transfers for any members applying for same. He shall also transfer all members who do not comply with Rule 15, Clause 2, to the Sub-Branches nearest to which they reside.

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

Pay Benefits

6. He shall pay all benefits according to Rules 22 and 23, and he may be made to refund all expenditure that is made contrary to the provisions of these Rules.

Resignation or Removal

7. In the event of resigning he shall give one month's notice, or be fined $1, except in the case of illness or removal from the town. On his resignation or being removed from office, or on demand of the S.M.C., or whomsoever they may authorise, he shall, within seven days, deliver up all books, documents and property of the said Sub-Branch to the S.M.C. or Trustee. Before the books are handed over to his successor in office they shall be audited.

Neglect of Duty

8. Should he fail to carry out any of his duties to the satisfaction of the Sub-Branch, it shall, upon the matter being reported, refer it to the Sub-Branch Committee, who shall investigate it and report to a subsequent meeting, which shall have power to deal with him according to the provisions of Rule 12, Clause 14.

(c) Vice-President

He shall record the minutes of all Sub-Branch and special meetings and shall preside over meetings in the absence of the Sub-Branch President.

(d) Doorkeeper

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

(e) Sub-Branch Finances

The funds of each Sub-Branch shall be banked as provided in the Rules.

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

(f) Sub-Branch Committee

In every Sub-Branch there shall be a Committee elected in accordance with Rule 12 (12) who shall meet when required on being summoned by the Sub-Branch Secretary, three to form a quorum. The President shall have a casting vote only, and the Secretary shall have no vote. The minutes of the proceedings shall be signed by the Chairman at the close of each meeting, and submitted to the

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next Sub-Branch Meeting for confirmation or otherwise. If necessary they shall examine and determine claims for lost tools. In the event of a member being charged with acting contrary to the policy of the Union the Sub-Branch Committee shall have power to refuse payment of any benefit to such member until the charge has been investigated by the S.M.O. and its decision conveyed to the Sub-Branch. They shall hear and decide all cases of appeal from a member against an officer of the Sub-Branch. Any member of a Sub-Branch Committee who is absent without reasonable excuse from three consecutive meetings shall be deemed to have vacated his seat, and the Sub-Branch shall fill the vacancy. The Committee shall meet at least once per half-year for the purpose of drawing up an Agenda and making a report of the half-year's work for the half-yearly meeting of the Sub-Branch.

(g) Sick Stewards

Sick Stewards shall, when instructed by the S-B.S. visit any member who is sick or who has met with an accident, and report to the next Sub-Branch meeting.

(h) Returning Officers and Scrutineers

1. The Sub-Branch Returning Officer shall be responsible for the conduct of Sub-Branch elections. He shall procure all ballot papers, initial same, and issue to the member entitled to vote. He shall, if necessary, have a casting as well as a primary vote.

2. All ballot papers must be returned by 9 p.m. on meeting night and counted as soon as possible in the presence of two scrutineers. The result to be declared immediately count is complete. The candidate or candidates up to the number required receiving the highest number of votes shall be elected.

3. Scrutineers shall attend all meetings at which elections are being conducted, and assist the S.-B.R.O. in all matters connected with the elections.

(i) Money Stewards

The Money Stewards shall attend the half-yearly Sub-Branch Meetings punctually at the time of commencing of business, and shall take money and issue receipts to members.

RULE 14

ELECTION OF SUB-BRANCH OFFICERS:

1. The election of all Sub-Branch Officers shall be held on the yearly meeting nights in March, which shall be by ballot of all members present at the meeting; no distinguishing figure or mark to be on ballot papers, same to be initialled by the Returning Officer.

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

3. Candidates for office shall be financial members of 12 months' standing in the State and shall be proposed and seconded by two financial members. Nomination shall be accepted on the meeting night prior to the date of election; failing nominations for any office on the night prior to the elections, nominations for such office may be accepted at the meeting on the night of election. All candidates shall give consent in writing or be present at the meeting when nominated.

RULE 15

DUTIES OF MEMBERS.

1. No member shall call on or write to any S.-B.S. at the works where he is employed.

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

3. Members changing their residence and not informing the S.-B.S. in writing within three months of such change of address, unless a satisfactory reason is given, shall be fined not more than 25c.

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RULE 16

MISCONDUCT OF MEMBERS:

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

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

(c) It shall be competent for the State Management Committee to inflict a fine not exceeding $10, suspend from benefit for a period not exceeding three years, or expel from the Union a member upon satisfactory proof that such member has refused to comply with its decision.

(d) Charges under these Rules shall be made in writing within one month of the discovery of the incident to which it refers, to the Sub-Branch or State Management Committee. The member so charged shall be summoned to attend a meeting of Sub-Branch Committee or State Executive, or State Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be sufficient if posted to his last known place of abode not less than five days, or in the case of a member whose last known place of abode is situated more than 100 miles from Brisbane, not less than ten days before the date of such meeting.
At the appointed time and place the charge shall be investigated either by the Sub-Branch or State Executive or State Management Committee, whether or not the member shall be in attendance. The decision of the Sub-Branch or Executive shall be binding on the member, subject to the right of appeal to the State Management Committee whose decision shall be final on all matters whether by appeal or otherwise. All meetings, in accordance with this sub-clause, shall be held at the place fixed by the Registered Rules for the conduct of the business of the Branch or Sub-Branch.
A member may, if he desires, make his answer to the charges in writing.

(e) Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with by the State Management Committee provided that the maximum fine that may be imposed shall not exceed $10.

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

RULE 17

PAYMENT AND RECOVERY OF FINES:

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

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RULE 14

APPEALS OF MEMBERS AND SUB-BRANCHES AND S.M.C.:

Right of Appeal

1. Any member finding himself aggrieved against the actions or decisions of the officers or members of the Union may, in the case of any grievance, appeal to his Sub-Branch for redress, and, if still aggrieved, he may further appeal to the S.M.C. within one month, whose decision shall be final and such decision must be conveyed to those concerned.

Not to Furnish Other Evidence

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

When Not Considered

3. The S.M.C. shall not consider any appeal for assistance pursuant to Rule 26 from any member whose total dues to the Union amount to twelve months' contributions or more.

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

Sub-Branch Appeals

5. Should any Sub-Branch appeal against the decision of the S.M.C. closing or suspending the functioning of a Sub-Branch the decision shall not take effect until the appeal is decided by the State Delegate Convention in meeting assembled or by postal vote of Convention delegates.

RULE 15

ELECTION OF STATE SECRETARY, S.M.C. MEMBERS AND ORGANISERS:

(1) Any member of the Queensland Branch who is financial and who at the time of nomination has had not less than three years continuous financial membership immediately prior to nomination may nominate for any of the positions named at the head of this rule. No member shall be a candidate for two or more offices that, if elected to, he would be unable to hold at the same time.

(2) The term of office for the above positions shall be three years and such term shall commence from the date the successful candidates are declared elected by the Returning Officer conducting the ballot.

(3) A candidate for any of the above positions shall complete the nomination form which shall be available from the Returning Officer and Sub-Branches of the Union. The nomination form must be signed by the candidate and endorsed by two financial members who immediately prior to signing the nomination have had not less than 12 months continuous financial membership.

(4) Nominations for the above positions shall open on the first day of October in the year in which the ballot is to be held and shall close at noon on the fourteenth day of October in that year. All Sub-Branches shall be notified by circular of the opening and closing date of nominations and shall be supplied with nomination forms prior to the opening date of nominations.

(5) If at the closing date for the nominations only sufficient nominations have been received to fill any vacancy or vacancies the Returning Officer shall thereupon declare the person or persons so nominating elected.

(6) If more nominations are received than there are vacancies, the

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Returning Officer shall arrange for the names to be drawn in a Ballot in the presence of the State Management Committee and such names shall be placed on the Ballot Paper in the order in which they are so drawn.

(7) Within six days of the closure of nominations, the State Secretary shall provide the Returning Officer with a certified list of members entitled to vote in the election
The members entitled to vote shall be those who in a year in which the above Ballot is conducted are financial to the month of September in that year.
The list of members entitled to vote shall be available at the office of the Branch and it may be perused by any Scrutineers or members entitled to vote in the said election. Notice of the availability of the list shall be published in the "Courier-Mail."

(8) The Returning Officer shall post to each member entitled to vote a Ballot Paper personally initialled by him, together with a printed Business Reply Envelope in which the Ballot Paper must be returned. The opening date of the Ballot shall be the first day of November and the closing date shall be Noon on the Seventeenth day of November in the year in which the ballot is held.

(9) All Ballot Papers shall be returned to the Returning Officer C/- the Post Office Box named on the Business Reply Envelope. The Post Office Box to which the Ballot Papers are to be returned, shall be hired by the Returning Officer prior to the despatch of Ballot Papers or if the Box has been previously used by the Union he shall cause the lock to be changed.
The Returning Officer shall at times, reasonable notice of which has been given to the Scrutineers, collect the returned Ballot Papers from the Post Office Box and deposit them in the Ballot Box. Such Ballot Box shall be kept at the Bank at which the Branch Account is held for the time being, and shall prior to the commencement of the Ballot be held by the Returning Officer and may be sealed by any Scrutineer.

On the conclusion of the Ballot the Ballot Box shall be picked up by the Returning Officer at a time, reasonable notice of which has been given to the Scrutineers, and taken to the Union's rooms and be opened in the presence of Scrutineers and the count shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the Ballot Box, to which any seals may be affixed by a Scrutineer.

(10) Two Scrutineers who are not candidates but who are members of the Union shall be appointed by the State Management Committee prior to the closing of nominations. They shall assist the Returning Officer in all stages of the Ballot, including the count.

(11) Any candidate at his own expense may appoint a financial member of the Union to act as his Scrutineer. Any Scrutineer so appointed may be present at any stage of the Ballot, provided that the Returning Officer is also present.

(12) In the case of the State Secretary, the candidate with the highest number of votes shall be declared elected.
In the case of the State Management Committee, the six candidates with the highest number of votes shall be declared elected.
In the case of State Organisers, the candidates up to the number required and with the highest number of votes shall be declared elected.

(13) In the case of an equality of votes for any two or more candidates, the Returning Officer shall determine by casting his vote which of the candidates is elected.

(14) The Returning Officer shall notify the State Management Committee of the result of the Ballot in writing and the State

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Management Committee shall publish such result in its Minutes and the "Building Workers' Journal" and/or "Building Worker." He shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch Area.

The Returning Officer's Report to the State Management Committee shall contain all relevant information including the number of Ballot Papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(15) The successful candidates shall take up their respective duties immediately they are declared elected by the Returning Officer and they shall remain elected until their successors take office.

(16) Should a vacancy occur in any of the above mentioned offices, the State Management Committee shall fill the position by election for the remaining portion of the term within one month. Nominations for any vacancy shall be called through the Sub-Branches of the Union and nominees shall fulfill the conditions laid down in Rule 19 (1) and Rule 19 (3).
Provided that until the 1966 elections the three years referred to in clause (2) of Rule 10 and clause (1) hereof shall continue to be regarded as three years continuous membership.

(17) In any election the Returning Officer and Scrutineers shall do all things necessary to preserve the secrecy of the Ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the Ballot. They shall obey any directions given to them by the Returning Officer. If any Scrutineer or Scrutineers are not present at any stage or stages of the Ballot, the Returning Officer may proceed nonetheless.

(18) Any accidental or unavoidable omission or error in the carrying out or observance of this Rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

RULE 20

ORGANISERS

1. The S.M.C. shall not less than two months prior to the closing of nominations as prescribed in Rule 19, determine the number of organisers to be elected.

The Organisers shall be under the control of the S.M.C. and shall when required, attend meetings of the S.M.C. They shall perform such organising duties as may be required and shall visit shops and jobs where members of the Union and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and Sub-Branch Secretaries, and carry out organisational work in any part of the State as directed by the S.M.C.

State Organisers may be elected and remain in office for a period of three years, provided that if the funds are insufficient to meet the half-yearly expenditure, their services may be temporarily dispensed with at the discretion of the S.M.C.

The S.M.C. may appoint Temporary Organisers for a period not exceeding six (6) months; the duties of Organisers to be determined by the S.M.C.

2. Any Sub-Branch may, subject to the consent of the S.M.C., appoint a local Organiser for a period of not exceeding six months. An amount equal to 10 per cent of the previous half-year's income may be used for this purpose. This amount may be subsidised by the S.M.C. on application by the Sub-Branch.

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RULE 21

SHOP STEWARDS:

For the convenience of members, Shop or Job Stewards may be appointed by Sub-Branches within the district under their control.

Should any Shop or Job Steward be victimised, or be reasonably supposed to be victimised, from carrying out any duties to the Union, the S.M.C. shall take all necessary steps to see that the member is compensated for any loss he may incur.

RULE 22

TOOL BENEFIT:

1. All members who have been in the Union for twelve (12) months and are financial at the time of such loss, shall be entitled to compensation for tools lost by fire, theft, or in any other way that, in the opinion of the Sub-Branch Committee, will entitle them to benefit, to the amount of sixty dollars ($60) in any one claim, but no claim for Tool Benefit shall be entertained if it be under two dollars, fifty cents ($2.50).

2. The maximum amount payable to any member for Tool Benefit shall not exceed sixty dollars ($60) in any period of 12 months.

Not Paid in Money

3. No tool claim shall be paid in money, although it shall not be imperative for any Sub-Branch to supply members with similar tools to those which have been lost, provided that the value of the tools supplied does not exceed the amount required in order to replace the lost tools. If the lost tools are recovered, the new ones shall be returned to the Sub-Branch to be disposed of at the discretion of the Sub-Branch.

Reporting Loss

4. Members claiming shall report the loss at the police station nearest to the job, and shall obtain the signature of the police officers on a form provided by the Branch Secretary as an acknowledgement of such report. A properly priced list shall be lodged with the Sub-Branch Secretary within seven days accompanied by a statutory declaration signed by a Justice of the Peace. The Sub-Branch Secretary shall ascertain from the police whether such loss has been reported.

5. Members claiming tool benefit shall attend the Sub-Branch meeting at which the claim is being considered unless reasonable excuse is forwarded.

Loss By Enemy Action

6. Nothing in this Rule shall render the Union liable to compensate any person for loss of any tools by him as a result of enemy or belligerent action.

RULE 23

FUNERAL ALLOWANCE:

1. The Union shall pay out of its funds a funeral allowance to the representatives of deceased members who have been members for a period of twelve months. On the death of a member who does not owe more than one half-year's contributions, a sum of money in accordance with the appended scale of funeral allowances shall be paid to his widow, next of kin, or nominee, or whomsoever may, in the opinion of the Union, prove to have an equitable claim to it, provided that at the time of such member joining the Union he was not over fifty (50) years of age. Provided, however, that this provision shall not apply to any member who joined the Union prior to its amalgamation. In the event of a member dying, and there being no widow,

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next of kin, or nominee discovered to whom the Union may deem it just to pay the funeral allowance, the Union shall defray the cost of decent interment of the remains of such a member, and should the circumstances of such a case induce the Union to inter the remains and a claimant to the funeral allowance afterwards arise and prove his or her claim, the Union shall deduct from the amount of such claim, all the expenses it may have been put to on account of the interment, and pay the balance, if any, to the claimant.

2. Scale of Funeral Allowances:—On the death of a financial member who has been a member of the Union for twelve (12) months, the funeral allowance shall be two dollars, fifty cents ($2.50), and shall increase at the rate of two dollars, fifty cents ($2.50) per annum, the maximum to be fifty dollars ($50).

RULE 24

SALARIES OF OFFICERS:

The State Management Committee shall from time to time set down a scale of payments for Sub-Branch Secretaries, Sub-Branch Presidents, Vice-Presidents, Delegates, Money Stewards, Sick Stewards, Sub-Branch Committees, Returning Officers and Deputy Returning Officers, Scrutineers, and clerical assistance, provided that when such scale is determined, it shall be registered under the Trade Union Act and the Industrial Conciliation and Arbitration Act as part of the Rules of the Union.

RULE 25

OFFICERS' HOLIDAYS:

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

RULE 26

CONTINGENT FUND:

Banked by S.M.C.

1. All money collected for the Contingent Fund shall be forwarded by the Sub-Branch Secretaries to the S.M.C. each half-year, at the same time as the dues, under Rule 18, Clause 21, are remitted, and shall be banked by the S.M.C. in the name of the Union in a separate account.

How Used

2. The Contingent Fund shall be used for the purpose of relieving cases of distress amongst members that are recommended by the Sub-Branches to and approved of, by the S.M.C. It may be used for assisting our own or any other trade.

Applications to S.M.C.

3. All applications for donations to members shall be on a schedule provided by the Union, and no donation shall be made unless such schedule is filled in by the Sub-Branch Secretary and approved by the S.M.C.

4. Requests for donations for purposes other than the relief of members shall be forwarded to the S.M.C., and shall contain full particulars of the purpose of the proposed donation.

Qualifications for Assistance

5. No member who has been less than three months in the Union shall be eligible for assistance from this fund, but in no case shall this fund be used for the payment of benefit to which a member is otherwise dis-entitled.

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APPRENTICES:

RULE 27

1. Candidates for this section must be proposed in the Sub-Branch meeting by adult members of the Union; they shall pay the usual entrance fee; they must have worked at the trade twelve (12) months, and be not less than sixteen (16) years of age.

Tool Benefit

2. Members of this section who have been in the Union twelve (12) months and are financial, shall be entitled to compensation for tools lost by fire or theft, or other ways that in the opinion of the Sub-Branch Committee entitle the member to benefit, to an amount equal to half that allowed to members of the General Section. No claim to be entertained if it is under fifty cents (50c)

The conditions relating to Tool Benefit in Rule 22 shall be complied with. They shall have the same privileges as other members.

Transfer to Full Membership

3. On attaining the age of 21 years or on the completion of their apprenticeship, they shall be transferred to full membership.

RULE 28

ALTERATION TO RULES:

Any alteration, rescission or new rule regarding contributions, tool benefit or funeral benefit must be submitted to a ballot of financial members of the Branch.

Other rules may be altered or rescinded or new rules added by a majority of delegates to a State Delegate Convention as provided for by Rule 10 (16) of these Rules.

Provided that alterations of rules are submitted by Sub-Branches or State Management Committee and such proposals are forwarded to all Sub-Branches not later than three months before the opening day of Delegate Convention and subsequently forwarded with the notice calling the State Delegate Convention and in the hands of delegates not later than seven days prior to the opening of such Convention.

Provided that a State Delegate Convention may alter rules of which previous notice has not been given subject to two-thirds of the delegates voting in favour of the alterations.

Provided further that alterations to rules of an urgent nature may be made by a postal ballot of Convention Delegates to determine for or against the adoption of the alterations.

RULE 29

REFERENDUM:

Upon request of a majority of Sub-Branches comprising twenty-five per cent of the membership requesting a referendum upon any matter, the S.M.C. shall immediately take a referendum of the whole membership and should any such referendum be carried by a majority of members voting by ballot, the same shall be binding upon members of the Branch.

RULE 30

DISSOLUTION:

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

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RULE 21

STANDING ORDERS AND RULES OF DEBATE

Call to Speak

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

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

Motions

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

Amendment

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

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

Question Be Now Put

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

Speak Only Once

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

Time Limit

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

Reply

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

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

President's Right to Speak

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

Limit to Debate

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

Notice of Motion

13. At any meeting of the Sub-Branch any member may give notice of motion for a future meeting by (1) reading such notice to the meeting; or (2) handing a copy thereof to the President. Such notice

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of motion shall take precedence in the order in which it stands in the minute book, in relation to other similar notices, unless otherwise ordered by the Sub-Branch, and shall lapse if the member, or some member on his behalf, be not present when the order of the day for such notice is read.

Motion to Adjourn

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

Moving Dissent From Chairman's Ruling

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

How Put

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

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

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

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

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

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APPENDIX I

PARTICULARS ON FORM AS PRESCRIBED BY RULE 3

(Surname) (Christian Name)

Write plainly, and write surname in BLOCK type.

BUILDING WORKERS' INDUSTRIAL UNION OF AUSTRALIA
Amalgamated Society of Carpenters and Joiners of Australasia

PROPOSITION AND ADMISSION FORM

..... Sub-Branch

I, the undersigned, aged..... years, of.....

..... in the State of.....

on the day of..... 19... , do hereby agree to become a member of the Building Workers' Industrial Union of Australia (Amalgamated Society of Carpenters and Joiners of Australasia) and agree to conform to the Laws and Rules of the said Union.

Signed .....

The abovenamed was admitted as a member of the said Union on the

.....day of..... 19.....

Proposed by .....President

Proposed by .....Secretary

(See Over)

(DO NOT FOLD OR CREASE THIS CARD)

(Reverse side of Proposition and Admission Form)—

HISTORY

1. Have you previously been a member of the A.S.C.J. or B.W.I.U.?

State Particulars .....

.....

Are you a member of any other Industrial Union?

State Particulars.....

Apprentices State Date— * Completed Trade.
* Entered Trade.
* Strike out which is not applicable.

TRANSFERS

BRANCH TRANSFERRED	DATE	ADDRESS

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THIS IS THE ORDER OF BUSINESS AT YOUR UNION'S MEETINGS

- President declares the meeting open for business.
- Minutes of previous meeting are read and adopted.
- New members are admitted.
- Minutes of the Sub-Branch Committee are read.
- Correspondence read and discussed.
- Auditor's Report.
- Reports of Delegates.
- Secretary's Cash Account.
- Election of branch and other officers.
- Adjourned business — New business.
- Adjournment.

★

Address to be delivered by Sub-Branch President to members on admission.

"I have the pleasure to inform you that you have been admitted a member of the Building Workers' Industrial Union of Australia, Amalgamated Society of Carpenters and Joiners of Australasia. Now that you have joined with us I trust that you will use your best endeavours to advance the interests of the industry you are engaged in, and may you long be spared to be a useful and militant member of this Society, with honour to yourself and justice to your fellow workers. Brother, I welcome you."

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• RULES

Building Workers' Industrial Union of Australia

Queensland Branch

AMALGAMATED SOCIETY OF CARPENTERS & JOINERS & BRICKLAYERS OF AUSTRALASIA

UNION OF EMPLOYEES, Queensland Branch

—MAY, 1973

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BUILDING WORKERS' INDUSTRIAL UNION OF AUSTRALIA

QUEENSLAND BRANCH

REGISTERED RULES

This Rule Book was reprinted in May, 1973 following the amalgamation of the United Operative Bricklayers' Society of Queensland and the Amalgamated Society of Carpenters and Joiners of Australasia (Queensland Branch) with the subsequent union being known as the Amalgamated Society of Carpenters and Joiners and Bricklayers of Australasia, Union of Employers, Queensland Branch.

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Amalgamated Society of Carpenters and Joiners and Bricklayers of Australasia

Union of Employees—Queensland Branch

RULES

RULE 1

NAME AND CONSTITUTION:

(1) The name shall be the Amalgamated Society of Carpenters and Joiners and Bricklayers of Australasia, Union of Employees, Queensland Branch (hereinafter referred to in these Rules as the Branch). The Branch shall consist of an unlimited number of persons, whether male or female, employed or usually employed as carpenters or joiners, or as stone masons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terazzo or similar compositions; also those employed in or usually employed in the following callings:—Bricklaying, tuckpointing, coke slab wall erection, gas retort repairers, fire clay block layers, floor tilers, roof tilers, slaters and shinglers, Terracotta fixer, majolica fixers, earthenware pipe drain layers in or about a building, cutters of brickwork for doorways, windows etc., together with such other persons, whether employees in the industry or not, as have been appointed officers of the Association and admitted as members hereof.

(2) The seal of the Branch shall be oval in shape inscribed in the outer edge the words "Amalgamated Society of Carpenters and Joiners and Bricklayers of Australasia" and it shall have on the inner space the words "Queensland State Management Committee."

RULE 2

OBJECTS:

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

2. To regulate the conditions under which all members of the Union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or Association, or Associations of Trade Unions, or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Sub-Branches or Sections of the Union throughout the State.

7. To further any scheme that has for its objects the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labor and Trade Union newspapers and wireless broadcasting stations, and to invest in shares in such newspapers and radio stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide Labor or Trade Union Organisation or Association.

10. To establish and manage a Union Journal.

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11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

14. To render legal and other assistance to members for the recovery of wages or compensation for injuries, to protect the interests of the trade in all its Branches, and to assist other trades by any legal method.

15. To obtain such other objects as may from time to time be determined in accordance with these rules.

16. To organise the education of members.

RULE 3

ENTRANCE FEE:

1. The Entrance Fee shall be $2 or any other sum, as the Sub-Branch or State Management Committee may decide, but not more than $4.

MEMBERSHIP:

2. Application for membership shall be on the form provided, signed by the applicant and two financial members, who shall first satisfy themselves that the applicant is a fit and proper person to enter the Union.

All applicants for membership in the Union if residing within a three mile radius of the Sub-Branch where they apply, must, unless a satisfactory reason is given, attend the Meeting at which their application is considered.

3. All applications for membership shall be lodged together with the amount of Entrance Fee with the Sub-Branch Secretary, or such other person authorised by the S.M.C. Applications for membership shall be dealt with by the Sub-Branch or the S.M.C., who shall, if satisfied with the bona fides and Trade Qualifications of the applicant, admit him to membership of the Sub-Branch as from the date of the Receipt of his application form by the Sub-Branch Secretary, or other duly authorised person. The form of application for membership shall be as shown in Appendix 1 to these Rules.

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

5. Applicants for Membership shall be qualified workmen of good character and shall, when admitted to membership, enjoy all advantages of Membership so long as they comply with the registered Rules of the Union.

6. Any applicant who is a fully-paid up member of another Union, and who had previously been transferred from this Union to another Union, may be re-admitted on Clearance without Entrance Fee. Any member entering this Union on Clearance from another Union, shall qualify for Benefits according to Rules.

7. Applicants shall, if possible, attend the next meeting of the Sub-Branch to which he makes application. Failure to attend shall not necessarily exempt the Candidate from election to membership.

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

9. All members shall be supplied with a copy of the Rules free of charge, but any member requiring a second copy shall be charged two cents (2c).

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RULE 4

CONTRIBUTIONS

1. Contributions shall be $13 per half-year, payable in advance, part of such Contributions shall be used for the payment of producing Union Journals, and of posting same to the address of each financial member.

Ten cents of each $13 Contribution shall be retained by each Sub-Branch as a Benefit Fund, which shall be governed by uniform Rules drawn up by the State Management Committee, and each Fund shall be subject to audit and a copy of the Statement of Half-Yearly Receipts and Expenditure forwarded to the State Office.

Ten cents shall be paid into the Contingent Fund, and used for the purposes, and in the manner laid down in Rule 26.

From each half-yearly subscription received from members, the sum of 25c or such amount as determined from time to time to maintain the existing service to members, shall be used to provide to each financial member by post to his home address a copy of each issue of the publication entitled "The Queensland Building Workers' Journal".

The amounts allocated for the publication and posting of the said Journal shall be accounted in the annual Balance Sheet and duly audited.

Apprentices' Contributions and Entrance Fee

2. Contributions by apprentices shall be twenty-five cents (25c) entrance fee, and thirty-five cents (35c) per half-year for the first three years of apprenticeship, one dollar ($1) per half-year for the fourth year of apprenticeship and one dollar and fifty cents ($1.50) per half-year for the fifth year of apprenticeship.

Exemption from Contributions

3. Sub-Branch Committees may grant exemption from Contributions to members who have been unemployed for more than Eighteen Weeks during any half year. Application for exemption must be made in writing with proof of unemployment being submitted.

Aged and Infirm Members

4. All members over 65 years of age who have had 25 years' continuous membership in the Union, who through physical infirmities, are unable to work continuously at the trade, may retain membership by paying 20c per half year in advance, for which they shall be entitled to receive funeral benefit only, provided that this does not apply to members who are over 50 years of age when joining the Union. Members wishing to be placed under this Rule shall make application to the Sub-Branch Secretary.

When Unfinancial

5. Any member who fails to pay his half-year contributions in advance on or before March 31 for the half-year March-September or September 30 for the half-year September-March shall be deemed to be unfinancial.

Entrance Between Half-Year Nights

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

Recovery of Arrears

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

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Resignation

8. A member may resign his membership:

(a) If he accepts employment in an industry other than that represented by the Organisation, or

(b) On giving to the Sub-Branch Secretary three months' notice and the payment of all dues to the date of his resignation.

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

10. A member who joins an Employers' Association shall resign immediately he joins such organisation.

Funds the Property of the Members Generally

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

RULE 5

REMOVAL OF OFFICERS:

1. The State Management Committee shall be under the control of the members. Any officer or member of the S.M.C. being charged with neglect of duty, grave misconduct or violation of the Rules of the Union may be suspended immediately by decision of the S.M.C. Prior to such suspension such officer or member shall be given particulars of the charge laid against him and a reasonable opportunity of being heard in his defence. In case of an appeal against suspension the grounds for such suspension, together with the appeal of the officer suspended shall, within two months of suspension be fully set out, and submitted to the members for confirmation or rejection; such decision of the members to be final. Should there be no appeal against suspension the S.M.C. shall have power to dismiss the officer concerned. Appeals under this Rule must be lodged with the Secretary of the Sub-Branch to which the member belongs within fourteen (14) days of suspension.

2. The State Management Committee or any officer may be removed from office by resolution carried on a ballot by a simple two-thirds majority of those voting of the members of the Branch, and in the event of any officer or members being removed from office an election must be held within one month of such removal from office in accordance with Rule 19.

In any ballot there shall be sent to every member entitled to vote a statement not exceeding 600 words by the person or persons proposing the removal and a statement not exceeding 600 words by the officer or officers of the State Management Committee proposed to be removed.

RULE 6

BANKING AND EXPENDITURE OF FUNDS:

1. All moneys of the Union in Queensland shall be banked by the State and Sub-Branch Officers in the Commonwealth Bank of Australia, or such other Bank as the S.M.C. may decide.

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

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RULE 7

AUDIT OF ACCOUNTS:

The S.M.C. shall appoint annually a competent person as its auditor who shall have full and complete access to all the books and documents of the Branch. Such person shall audit annually the accounts of the Branch and of the Capital City Sub-Branch. The accounts of the other Sub-Branches shall be audited half-yearly in the manner provided in Rule 12, Clause 15.

A competent person, within the meaning of this Rule, shall be a person, other than a member of the organisation or branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of Public Accountants or a person who is licensed or registered as an Auditor under the law of a State or Territory of the Commonwealth relating to Companies.

RULE 8

REGISTERED OFFICE:

The Registered Office of the Union in Queensland shall be at the Trades Hall, Edward Street, Brisbane.

RULE 9

A register of members in the State shall be kept in the Registered Office.

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

RULE 10

STATE MANAGEMENT COMMITTEE:

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

They shall elect delegates to attend Federal Conferences of the Building Workers' Industrial Union of Australia.

Composition of State Management Committee

2. The State Management Committee shall consist of fourteen (14) members including the State President and State Secretary, all of whom shall be elected in accordance with the provisions of Rule 19.

The S.M.C. shall meet at the Trades Hall, Brisbane, or such other place as it may decide, for the purpose of controlling the business of the Branch. Any five shall constitute a quorum.

The S.M.C. shall elect from its members a State Vice-President.

Duties of the State President

3. The office of State President shall be a full-time paid position and his duties shall be as follows:—

(i) The State President shall preside at all meetings of the S.M.C., State Delegate or Special Convention and at meetings convened by the State Convention or S.M.C. He shall have a deliberative vote only.

(ii) He shall carry out such duties as may be assigned to him from time to time by the S.M.C., and by the State Secretary acting on their behalf.

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(iii) He shall conduct the business in accordance with the standing orders and rules of debate.

(iv) He shall, upon the minutes being confirmed, sign the minute book in the presence of the meeting, and he shall have the meeting, by resolution, endorse or reject all accounts submitted for payment.

S.M.C. and Executive

4. The State Management Committee shall meet not less than three times each year provided that a special meeting of the S.M.C. may be called on a written requisition addressed to the State Secretary signed by five members of the S.M.C.

The S.M.C. shall elect from its members an Executive of not less than six members including the State President and State Secretary to control the affairs of the Union in Queensland between meetings of the S.M.C. Such Executive shall be subject to the control of the S.M.C. and the minutes of each Executive meeting shall be immediately forwarded to each member of the S.M.C. and all sub-branches. The Executive shall meet not less than monthly.

5. The State Secretary shall be elected and remain in office for a period of three (3) years. He shall also act as Secretary of the Brisbane Sub-Branch.

Delegates Approval

6. No Sub-Branch shall have the power to delegate any member on Union business for any period above one week in any half-year without first obtaining the approval of the State Committee. Any infringement of this Rule by any member or Sub-Branch shall be deemed misconduct, and members or Sub-Branches infringing this Rule may be fined by the S.M.C. any sum not exceeding $20. This Rule shall not affect the Rule allowing 10 per cent of the Sub-Branch income to be used for local organising.

Interpretation of Rules

7. The S.M.C. shall interpret all Rules requiring interpretation.

Legal Proceedings

8. The trustees of the Union after being authorised by the S.M.C. shall be empowered to take legal proceedings for recovery of arrears of contributions and fines, breaches of Awards and recovery of Accident compensation.

9. The State Committee may, provided the funds of the S.M.C. are sufficient to meet the additional expense, appoint one or more Organisers.

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

Control and Suspension of Members

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

The S.M.C. shall immediately notify the Sub-Branch to which the member belongs of its decision.

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

Any action taken against a member shall be in accordance with the provisions laid down in Rule 16.

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Transfer of Members

12. They shall have power at the request of a member to order the transfer of any member from any Sub-Branch under their jurisdiction, to any other Sub-Branch in Queensland, when, in the opinion of the S.M.C., such transfer is necessary to enable the member concerned properly to participate in the affairs of the Branch.

13. They shall have power to grant donations from the Contingent Fund when application has been made in accordance with the provisions of Rule 26.

Aggregate Meetings

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

The S.M.C. shall have power to establish Sub-Branches of fifty or more members on a locality basis and of less than fifty members on an industry basis if, in the opinion of the S.M.C., the members' industrial interests warrant the formation of a Sub-Branch.

Delegates' Meeting

15. Whenever it is necessary to obtain the opinion of members in any district with five hundred (500) members and upwards, it may be done by special Summoned Meetings of the Sub-Branches in such district, when delegates shall be elected from each Sub-Branch in proportion to the Sub-Branch membership in accordance with the following scale: Under 100 members, one delegate; 100 and under 200 members, two delegates; 200 and upwards, three delegates; who shall be paid according to Rule 24.

Delegate Convention

16 (a) The S.M.C. shall convene at regular intervals not more than each two years (but at earlier intervals should it be deemed necessary) a State Delegate Convention consisting of delegates elected from Sub-Branches and Jobs throughout the State and also comprised of members of the S.M.C. and full-time officials of the Union.

(b) The method of financing such Convention and the number of delegates, Sub-Branches and Jobs may elect to attend such Convention shall be determined by the S.M.C. from time to time.

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

(d) The State Delegate Convention shall, from time to time, determine the policy of the Union to be observed by the membership and by the S.M.C.

(e) The State Delegate Convention may recommend that a referendum of the membership be taken on any rule or rules of the Union required to be submitted to a ballot of the membership.

Special Auditors

17. The S.M.C. may at any time appoint two Auditors to audit the books of any Sub-Branch or direct that the books be forwarded to the State Office for audit.

Control of Organisers

18. They shall have control over the Organisers, and shall have power to call on the Capital City Sub-Branch Secretary to perform any duty that may arise which does not interfere with his duties as Sub-Branch Secretary.

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19. In districts where an Organiser-Secretary has been appointed or elected, he shall be under the control of the Sub-Branch he visits for organising purposes only, for the period allotted by this District Committee.

S.M.C. Finance and Contingent Fund

20. The S.M.C. shall have control of the property in their State and, in addition to the provision of Rule 4, Clause 11, shall draw from each Sub-Branch, Job Stewards and Organisers the total contributions, entrance fees and fines collected.

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

The State Management Committee may disperse monies for the purpose set out in the objects of the Union, and such funds may be invested from time to time in such manner as may be determined by the State Management Committee. No donation exceeding $200 shall be made from the Contingent Fund without the sanction of a majority of the Sub-Branches in Queensland.

Affiliation

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

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

Delegating Powers

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

Trustees

24. The S.M.C. shall elect from among their members three Trustees (any two with the State Secretary to operate) and a Branch President who shall have a deliberate vote only. They shall also elect delegates to Federal Conference and a Branch Returning Officer who, after applications have been called for the position shall be appointed by the S.M.C. for that purpose.

The property and finance of the Branch shall be vested in the names of the three trustees. The funds of the Branch shall be banked in the manner prescribed in Rule 6. On a written authority, signed by the Branch President and the Branch Secretary, any two of the three trustees shall sign cheques for such sums as may be voted by the State Management Committee or the State Management Committee Executive in accordance with these Rules. Such cheques to be countersigned by the Branch Secretary.

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

Elections by S.M.C.

25. (a) In any election by the S.M.C. the following procedure shall be observed:

(b) If all S.M.C. members are in attendance at the S.M.C. meeting at which the election is to be held, viz in the case of the Branch Vice-President and the Trustees during the month of January following the triennial elections, in the case of delegates to Federal Conference at least one calendar month prior to the annual meet-

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ing of the Federal Conference and in the case of other positions as may be determined by the S.M.C., nominations shall be called and a ballot shall be held.

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

(c) In the election of delegates to Federal Conference, the Branch Returning Officer shall call for nominations by notice appearing one calendar month prior to the date of the S.M.C. meeting at which the election is to be held, in one daily newspaper circulating throughout the State of Queensland.
Nominations shall be in writing and signed by the candidate.
Nominations shall close fourteen days after the publication of the notice and if more than sufficient nominations are received the Returning Officer shall conduct the election at the next meeting of the S.M.C.

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

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

(f) Voting shall close one hour after the commencement of the meeting or at such times as all S.M.C. members have voted.

(g) The Returning Officer shall thereupon open the ballot box and in the presence of the S.M.C. members who desire to be present, proceed to count the ballot. The candidate or candidates up to the number required receiving the highest number of votes shall be declared elected.

(h) In the case of an equality of votes for any two or more candidates, the Returning Officer shall determine by casting his vote which of the candidates is elected.

(i) The Returning Officer shall notify the S.M.C. of the result of the ballot and the S.M.C. shall publish same in the S.M.C. Minutes.

(j) Should a vacancy occur in any of the above positions the S.M.C. shall fill the position within one month. But if the term remaining is more than six months an election shall be held to fill the vacancy. In any such election the provisions of this rule shall apply with any necessary modifications.

(k) Should one or more members of the S.M.C. be absent from the meeting at which an election was to have been held, a postal ballot of all members of the S.M.C. shall be held within seven days of such meeting.

(l) In such election the Returning Officer shall immediately post to each S.M.C. member a properly initialled ballot paper on which no other distinguishing mark appears together with a business reply or stamped envelope for the return of same to the Post Office Box marked on the envelope.

(m) On the morning of the eighth day following the despatch of the ballot papers by the Returning Officer, the Returning Officer and the scrutineers appointed by the S.M.C. shall collect the ballot papers from the Post Office Box and then proceed to the Union

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Office where they shall count the ballot. The candidate or candidates up to the number required receiving the highest number of votes shall be declared elected.

(n) The Returning Officer shall notify the S.M.C. of the result of the ballot and the S.M.C. shall publish same in the S.M.C. Minutes.

(o) The S.M.C. shall appoint one of its members who is not a candidate as scrutineer and any candidate may appoint any member of the Branch to act as scrutineer on his behalf. Any scrutineer shall be entitled to be present at and to observe all stages of the ballot.

(p) Any accidental or unavoidable omission or error in the carrying out or observance of this Rule shall not invalidate the election if such omission or error appears not to have affected the result of an election.

(q) In any election the Returning Officer and scrutineers shall conduct themselves in a sober, proper and impartial manner and do all things necessary to preserve the secrecy of the ballot.
Scrutineers shall, as far as practicable, be present at all stages of the ballot.

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

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

RULE 11

DUTIES OF SECRETARY OF THE STATE MANAGEMENT COMMITTEE—CONTROLLED BY S.M.C.

1. He shall be under the control of the S.M.C., and shall devote the whole of his working time to the business of the Union.

He shall be the registered (State) Officer to sue or be sued on behalf of the Union in his State in regard to any legal matter within the State in which his S.M.C. has jurisdiction.

He shall keep a correct record of the members in his State and shall, when instructed by the S.M.C., sue for the recovery of arrears of contributions or other monies due to the Union by the members in his State.

The State Secretary shall keep or cause to be kept proper books of accounts showing the receipts and expenditure of the Branch, and separate accounts of receipts from all Sub-Branches, and also correct records of all monies received or paid on account of any particular fund, and separate accounts of all management expenses and of all contributions on account thereof, as required by the Queensland Trade Union Act of 1915 and amendments thereof.

The State Secretary shall endorse all vouchers for payment certifying to their correctness, and shall prepare a balance sheet in accordance with Rule 11 (3).

The State Secretary shall submit to each meeting of the State Management Committee an interim statement of receipts and payments made up to the end of the week preceding the meeting.

Wages Boards

2. He shall attend to all Wages Board, Arbitration Court, and other legal matters coming within the jurisdiction of the S.M.C. He shall keep all books and documents necessary to a proper working of the office of the S.M.C. He shall prepare a half-yearly report and also a yearly balance sheet showing the income and expenditure for that term, and upon the same being audited and adopted by the S.M.C., he shall send a copy to the Sub-Branches over which the S.M.C. has jurisdiction.

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He shall prepare and forward to the Registrar of Trade Unions all returns required by law.

Neglect of Duty

3. Should he fail to carry out his duties to the satisfaction of the S.M.C., he may be dealt with by such committee in the manner prescribed in Rule 5.

Resignation or Removal

4. In the event of his desiring to resign, he shall give at least one month's notice or be fined ten dollars ($10). Upon resigning or being removed from office, according to Rule 5, he shall, within seven (7) days, deliver up to whatever person the S.M.C. may appoint, all books, documents and other property of the Union then in his possession. Before the books are handed over to his successor in office they shall be audited.

RULE 13

POWERS AND DUTIES OF SUB-BRANCHES:

1. For the convenience of members, Sub-Branches may be opened in any town in the State. No Sub-Branch shall be opened without the consent of the S.M.C. Each Sub-Branch shall have power to elect its own officers and with the consent of the S.M.C. generally control its own business.

When Disbanded

2. In no case shall any Sub-Branch close or disband without the authority of the S.M.C., in which case all cash or other property shall be handed over to the S.M.C.

Visiting Members

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

Clearances

4. Any member entering a Sub-Branch by clearance shall not have a vote in that Sub-Branch until his clearance has been accepted by such Sub-Branch.

5. No Sub-Branch shall hold its meetings in licensed premises where alcohol is sold.

6. Sub-Branches shall accept a transfer for any member, and issue a transfer for any member who applies for same, subject to the provisions of Rule 14, Clauses 2 and 3, and all arrears of contributions shown on the clearance card sent from a Sub-Branch in one State to a Sub-Branch in another State shall be collected and retained by the Sub-Branch to which the members have been transferred.

7. Each Sub-Branch may obtain a room and a safe and/or steel cabinet and office equipment for the safe keeping of Union property provided the S.M.C. is advised of the cost of such facilities and has approved whatever payment is necessary to secure such facilities.

Interpretation of Rules

8. Should any Rules require interpretation, or be not clearly defined, they shall be sent to the S.M.C. for their decision. All such decisions shall be inserted in the minute book of the Sub-Branch.

Resolutions to S.M.C.

9. Resolutions to the S.M.C. shall be submitted in writing to the S.-B.P., and the number of members present, and the numbers of votes for and against such resolution, shall be stated when the resolutions are sent to the S.M.C.

Correspondence Confidential

10. All communications or copies of correspondence from the S.M.C. shall remain the property of the Union and information relating to the same shall not be divulged to any outside body or bodies without first obtaining the sanction of the S.M.C.

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Sub-Branches Allowed

12. In all country towns there shall be only one Sub-Branch. Each capital city shall have only one Sub-Branch, and no other Sub-Branch shall operate within a radius of five miles of the meeting place of the City Sub-Branch except with the consent of the S.M.C.

Sub-Branch Officers

12. Sub-Branches shall elect the Sub-Branch Committee. Sub-Branch Committee shall consist of President, Vice-President and Secretary and six committee men, one of whom may be an apprentice. Sub-Branches with more than 100 members may also elect a Money Steward and Door Keeper. The Sub-Branch Secretary may appoint Sick Stewards as they are required.

13. Any member neglecting the duties for which he is elected, shall, unless a satisfactory apology is furnished, be fined by his Sub-Branch or S.M.C., any amount not exceeding ten dollars ($10).

14. Any officer of a Sub-Branch, member of a Committee, or delegate elected by such Sub-Branch, who is absent without a reasonable excuse from three consecutive meetings, shall be deemed to have vacated his seat and the Sub-Branch shall fill the vacancy.

Meetings: When Held

15. Sub-Branches of the Union shall meet at least monthly to transact business and the time of opening and closing the Sub-Branch meeting shall be at the discretion of each Sub-Branch.

16. The Books of each Sub-Branch shall be sent each half-year to the State Office for audit.

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

18. Any member residing within a three miles' radius of the meeting place of the Sub-Branch who fails to attend a Summoned Meeting shall be fined a sum not exceeding 20c, unless a satisfactory excuse is tendered.

19. The Sub-Branch President and Secretary may and on requisition signed by ten per cent of the members of the Sub-Branch shall call a special meeting of the Sub-Branch. No business shall be transacted at such a meeting other than the business set out in the requisition or in the notice calling the meeting.

20. Sub-Branch By-laws shall be registered under "The Trade Union Act of 1915." The precise location of all meetings at which the business of the Sub-Branch shall be conducted shall be published six months in advance in the notice published half-yearly for that purpose. Copy of each such half-yearly notice shall be filed forthwith with the Trade Union Registrar.

RULE II

DUTIES OF SUB-BRANCH OFFICERS AND COMMITTEES:

(a) Sub-Branch President

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

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Bank Book; Countersign Orders for Payments; Branch Resolutions

2. He shall sign the Sub-Branch minutes of the previous meeting, after they have been confirmed by the Sub-Branch. He shall examine the Sub-Branch bank book each meeting night (when such book is not held by the bank) and report to the Sub-Branch the result of each banking transaction, the record to be inserted in the Minute Book. He shall countersign all orders for payment of money authorised by the Sub-Branch, and all orders for remittances to the S.M.C. when requested to do so by the State Secretary, and for capitation fees due to the S.M.C. under Rule 10, Clause 20. He shall also cause to be recorded in the minute book the number voting for and against all suggestions for alteration of Rules, or resolutions intended for the S.M.C. and the numbers present when the vote is taken.

(b) Sub-Branch Secretary

Correspondence; Keep Account of Income and Expenditure; Clearances

1. The Sub-Branch Secretary shall attend all meetings of the Sub-Branch or Committee. He shall conduct all correspondence and take the minutes of Committee meetings. He shall be responsible for the collecting of contributions, fines, and other money due to the Union by members of his Sub-Branch. He shall keep a clear and correct account of all receipts and expenditure in connection with the Sub-Branch. He shall register carefully the name, age and residence of every member, and shall, within one month, forward to the State Secretary, correctly filled in registration cards for all members admitted into the Sub-Branch, and also transfer cards for all members leaving the Sub-Branch. He shall also notify the State Secretary of all resignations and deaths.

Balance Sheets

2. He shall prepare, in duplicate, a half-yearly balance sheet and report, setting out all income and expenditure incurred during the period covered by such balance sheet, one copy to be forwarded to the State M.C. within seven days after the half-yearly meeting. He shall close his books immediately after the first meeting night in June and December and the contributions for the next ensuing half-year shall be due and payable on the second meeting in the months of March and September. He shall give every facility to the Auditors to examine all books and papers in connection with the Sub-Branch. He shall read out to the Sub-Branch a fortnightly cash account. He shall be the custodian of the official stamp of the Sub-Branch, and be ex-officio member of all sub-committees, but shall not have a vote on any matter in which he is personally or financially interested.

Half-Yearly Summons

3. He shall supply all necessary advice to the State Office to enable it to advise the Sub-Branch members of the time, place and date of the half-year meeting, which shall be in March and September of each year and the second meeting of the month where fortnightly meetings are held and the State Secretary shall forthwith notify all Sub-Branch members thereof. He shall supply all details to the State Office to enable it to advise members in arrears. Special meetings of the Sub-Branch may be called as decided by the Sub-Branch. He shall perform all clerical and other duties appertaining to the position of the Secretary.

All Sub-Branch meetings called in accordance with this sub-clause shall be held at the place fixed by Rule 12 (2b) for conduct of the business of the Sub-Branch.

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Suspended Members

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

5. He shall accept all clearances (that are permitted) from other Unions, also transfers from other Sub-Branches or other States, and shall issue transfers for any members applying for same. He shall also transfer all members who do not comply with Rule 15, Clause 3, to the Sub-Branches nearest to which they reside.

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

Pay Benefits

6. He shall pay all benefits according to Rules 22 and 23, and he may be made to refund all expenditure that is made contrary to the provisions of these Rules.

Resignation or Removal

7. In the event of resigning he shall give one month's notice, or be fined $1, except in the case of illness or removal from the town. On his resignation or being removed from office, or on demand of the S.M.C., or whomsoever they may authorise, he shall, within seven days, deliver up all books, documents and property of the said Sub-Branch to the S.M.C. or Trustee. Before the books are handed over to his successor in office they shall be audited.

Neglect of Duty

8. Should he fail to carry out any of his duties to the satisfaction of the Sub-Branch, it shall, upon the matter being reported, refer it to the Sub-Branch Committee, who shall investigate it and report to a subsequent meeting, which shall have power to deal with him according to the provisions of Rule 13, Clause 14.

(c) Vice-President

He shall record the minutes of all Sub-Branch and special meetings and shall preside over meetings in the absence of the Sub-Branch President.

(d) Doorkeeper

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

(e) Sub-Branch Finances

The funds of each Sub-Branch shall be banked as provided in the Rules.

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

(f) Sub-Branch Committee

In every Sub-Branch there shall be a Committee elected in accordance with Rule 12 (12) who shall meet when required on being summoned by the Sub-Branch Secretary, three to form a quorum. The President shall have a casting vote only, and the Secretary shall have no vote. The minutes of the proceedings shall be signed by the Chairman at the close of each meeting, and submitted to the

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next Sub-Branch Meeting for confirmation or otherwise. If necessary they shall examine and determine claims for lost tools. In the event of a member being charged with acting contrary to the policy of the Union the Sub-Branch Committee shall have power to refuse payment of any benefit to such member until the charge has been investigated by the S.M.C. and its decision conveyed to the Sub-Branch. They shall hear and decide all cases of appeal from a member against an officer of the Sub-Branch. Any member of a Sub-Branch Committee who is absent without reasonable excuse from three consecutive meetings shall be deemed to have vacated his seat, and the Sub-Branch shall fill the vacancy. The Committee shall meet at least once per half-year for the purpose of drawing up an Agenda and making a report of the half-year's work for the half-yearly meeting of the Sub-Branch.

(g) Sick Stewards

Sick Stewards shall, when instructed by the S-B.S. visit any member who is sick or who has met with an accident, and report to the next Sub-Branch meeting.

(h) Returning Officers and Scrutineers

1. The Sub-Branch Returning Officer shall be responsible for the conduct of Sub-Branch elections. He shall procure all ballot papers, initial same, and issue to the member entitled to vote. He shall, if necessary, have a casting as well as a primary vote.

2. All ballot papers must be returned by 9 p.m. on meeting night, and counted as soon as possible in the presence of two scrutineers. The result to be declared immediately count is complete. The candidate or candidates up to the number required receiving the highest number of votes shall be elected.

3. Scrutineers shall attend all meetings at which elections are being conducted, and assist the S.-B.R.O. in all matters connected with the elections.

(i) Money Stewards

The Money Stewards shall attend the half-yearly Sub-Branch Meetings punctually at the time of commencing of business, and shall take money and issue receipts to members.

RULE 14

ELECTION OF SUB-BRANCH OFFICERS:

1. The election of all Sub-Branch Officers shall be held on the yearly meeting nights in March, which shall be by ballot of all members present at the meeting; no distinguishing figure or mark to be on ballot papers, same to be initialled by the Returning Officer.

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

3. Candidates for office shall be financial members of 12 months' standing in the State and shall be proposed and seconded by two financial members. Nomination shall be accepted on the meeting night prior to the date of election; failing nominations for any office on the night prior to the elections, nominations for such office may be accepted at the meeting on the night of election. All candidates shall give consent in writing or be present at the meeting when nominated.

RULE 15

DUTIES OF MEMBERS:

1. No member shall call on or write to any S.-B.S. at the works where he is employed.

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

3. Members changing their residence and not informing the S.-B.S. in writing within three months of such change of address, unless a satisfactory reason is given, shall be fined not more than 25c.

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RULE 16

MISCONDUCT OF MEMBERS:

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

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

(c) It shall be competent for the State Management Committee to inflict a fine not exceeding $10, suspend from benefit for a period not exceeding three years, or expel from the Union a member upon satisfactory proof that such member has refused to comply with its decision.

(d) Charges under these Rules shall be made in writing within one month of the discovery of the incident to which it refers, to the Sub-Branch or State Management Committee. The member so charged shall be summoned to attend a meeting of Sub-Branch Committee or State Executive, or State Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be sufficient if posted to his last known place of abode not less than five days, or in the case of a member whose last known place of abode is situated more than 100 miles from Brisbane, not less than ten days before the date of such meeting.

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

A member may, if he desires, make his answer to the charges in writing.

(e) Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with by the State Management Committee provided that the maximum fine that may be imposed shall not exceed $10.

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

RULE 17

PAYMENT AND RECOVERY OF FINES:

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

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RULE 16

APPEALS OF MEMBERS AND SUB-BRANCHES AND S.M.C.:

Right of Appeal

1. Any member finding himself aggrieved against the actions or decisions of the officers or members of the Union may, in the case of any grievance, appeal to his Sub-Branch for redress, and, if still aggrieved, he may further appeal to the S.M.C. within one month, whose decision shall be final and such decision must be conveyed to those concerned.

Not to Furnish Other Evidence

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

When Not Considered

3. The S.M.C. shall not consider any appeal for assistance pursuant to Rule 28 from any member whose total dues to the Union amount to twelve months' contributions or more.

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

Sub-Branch Appeals

5. Should any Sub-Branch appeal against the decision of the S.M.C. closing or suspending the functioning of a Sub-Branch the decision shall not take effect until the appeal is decided by the State Delegate Convention in meeting assembled or by postal vote of Convention delegates.

RULE 19

ELECTION OF STATE PRESIDENT, STATE SECRETARY, S.M.C. MEMBERS AND ORGANISERS:

(1) Any member of the Queensland Branch who is financial and who at the time of nomination has had not less than three years continuous financial membership immediately prior to nomination may nominate for any of the positions named at the head of this rule. No member shall be a candidate for two or more offices that, if elected to, he would be unable to hold at the same time.

(2) The term of office for the above positions shall be three years and such term shall commence from the date the successful candidates are declared elected by the Returning Officer conducting the ballot.

(3) A candidate for any of the above positions shall complete the nomination form which shall be available from the Returning Officer and Sub-Branches of the Union. The nomination form must be signed by the candidate and endorsed by two financial members who immediately prior to signing the nomination have had not less than 12 months continuous financial membership.

(4) Nominations for the above positions shall open on the first day of October in the year in which the ballot is to be held and shall close at noon on the fourteenth day of October in that year. All Sub-Branches shall be notified by circular of the opening and closing date of nominations and shall be supplied with nomination forms prior to the opening date of nominations.

(5) If at the closing date for the nominations only sufficient nominations have been received to fill any vacancy or vacancies, the Returning Officer shall thereupon declare the person or persons so nominating elected.

(6) If more nominations are received than there are vacancies, the

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Returning Officer shall arrange for the names to be drawn in a Ballot in the presence of the State Management Committee and such names shall be placed on the Ballot Paper in the order in which they are to drawn.

(7) Within six days of the closure of nominations, the State Secretary shall provide the Returning Officer with a certified list of members entitled to vote in the election
The members entitled to vote shall be those who in a year in which the above Ballot is conducted are financial to the month of September in that year.
The list of members entitled to vote shall be available at the office of the Branch and it may be perused by any Scrutineers or members entitled to vote in the said election. Notice of the availability of the list shall be published in the "Courier-Mail."

(8) The Returning Officer shall post to each member entitled to vote a Ballot Paper personally initialled by him, together with a printed Business Reply Envelope in which the Ballot Paper must be returned. The opening date of the Ballot shall be the first day of November and the closing date shall be Noon on the seventeenth day of November in the year in which the ballot is held.

(9) All Ballot Papers shall be returned to the Returning Officer C/- the Post Office Box named on the Business Reply Envelope. The Post Office Box to which the Ballot Papers are to be returned, shall be hired by the Returning Officer prior to the despatch of Ballot Papers or if the Box has been previously used by the Union he shall cause the lock to be changed.
The Returning Officer shall at times, reasonable notice of which has been given to the Scrutineers, collect the returned Ballot Papers from the Post Office Box and deposit them in the Ballot Box. Such Ballot Box shall be kept at the Bank at which the Branch Account is held for the time being, and shall prior to the commencement of the Ballot be held by the Returning Officer and may be sealed by any Scrutineer.
On the conclusion of the Ballot the Ballot Box shall be picked up by the Returning Officer at a time, reasonable notice of which has been given to the Scrutineers, and taken to the Union's rooms and be opened in the presence of Scrutineers and the count shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the Ballot Box, to which any seals may be affixed by a Scrutineer.

(10) Two Scrutineers who are not candidates but who are members of the Union shall be appointed by the State Management Committee prior to the closing of nominations; they shall assist the Returning Officer in all stages of the Ballot, including the count.

(11) Any candidate at his own expense may appoint a financial member of the Union to act as his Scrutineer. Any Scrutineer so appointed may be present at any stage of the Ballot, provided that the Returning Officer is also present.

(12) In the case of the State President and the State Secretary, the candidate with the highest number of votes shall be declared elected.
In the case of the State Management Committee, the twelve candidates with the highest number of votes shall be declared elected.
In the case of State Organisers, the candidates up to the number required and with the highest number of votes shall be declared elected.

(13) In the case of an equality of votes for any two or more candidates, the Returning Officer shall determine by casting his vote which of the candidates is elected.

(14) The Returning Officer shall notify the State Management Com-

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mittee of the result of the Ballot in writing and the State Management Committee shall publish such result in its Minutes and the "Building Workers' Journal" and/or "Building Worker." He shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch Area.

The Returning Officer's Report to the State Management Committee shall contain all relevant information including the number of Ballot Papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(15) The successful candidates shall take up their respective duties immediately they are declared elected by the Returning Officer and they shall remain elected until their successors take office.

(16) Should a vacancy occur in any of the above mentioned offices, the State Management Committee shall fill the position by election for the remaining portion of the term within one month. Nominations for any vacancy shall be called through the Sub-Branches of the Union and nominees shall fulfill the conditions laid down in Rule 19 (1) and Rule 19 (2).

Provided that until the 1965 elections the three years referred to in clause (2) of Rule 10 and clause (1) hereof shall continue to be regarded as three years continuous membership.

(17) In any election the Returning Officer and Scrutineers shall do all things necessary to preserve the secrecy of the Ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the Ballot. They shall obey any directions given to them by the Returning Officer. If any Scrutineer or Scrutineers are not present at any stage or stages of the Ballot, the Returning Officer may proceed nonetheless.

(18) Any accidental or unavoidable omission or error in the carrying out or observance of this Rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

RULE 20

ORGANISERS:

1. The S.M.C. shall not less than two months prior to the closing of nominations as prescribed in Rule 18, determine the number of organisers to be elected.

The Organisers shall be under the control of the S.M.C and shall when required, attend meetings of the S.M.C. They shall perform such organising duties as may be required and shall visit shops and jobs where members of the Union and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and Sub-Branch Secretaries, and carry out organisational work in any part of the State as directed by the S.M.C.

State Organisers may be elected and remain in office for a period of three years, provided that if the funds are insufficient to meet the half-yearly expenditure, their services may be temporarily dispensed with at the discretion of the S.M.C.

The S.M.C. may appoint Temporary Organisers for a period not exceeding six (6) months; the duties of Organisers to be determined by the S.M.C.

2. Any Sub-Branch may, subject to the consent of the S.M.C., appoint a local Organiser for a period of not exceeding six months. An amount equal to 10 per cent of the previous half-year's income may be used for this purpose. This amount may be subsidised by the S.M.C. on application by the Sub-Branch.

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RULE 21

SHOP STEWARDS:

For the convenience of members, Shop or Job Stewards may be appointed by Sub-Branches within the district under their control.

Should any Shop or Job Steward be victimised, or be reasonably supposed to be victimised, from carrying out any duties to the Union, the S.M.C. shall take all necessary steps to see that the member is compensated for any loss he may incur.

RULE 22

TOOL BENEFIT:

Deleted 25/9/72

Comment only on above deletion—

The rule on tool benefit was deleted by the Industrial Registrar on September 25, 1972.

Following a decision of delegates to the union's State Delegate Convention

— Members can now cover their tools against loss by paying a small fee and joining the tool scheme sponsored by their union.

— Write Secretary B.W.J.U. Room 67, Trades Hall, Brisbane for details.

RULE 23

FUNERAL ALLOWANCE:

1. The Union shall pay out of its funds a funeral allowance to the representatives of deceased members who have been members for a period of twelve months. On the death of a member who does not owe more than one half-year's contributions, a sum of money in accordance with the appended scale of funeral allowances shall be paid to his widow, next of kin, or nominee, or whomsoever may, in the opinion of the Union, prove to have an equitable claim to it, provided that at the time of such member joining the Union he was not over fifty (50) years of age. Provided, however, that this provision shall not apply to any member who joined the Union prior to its amalgamation. In the event of a member dying, and there being no widow,

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next of kin, or nominee discovered to whom the Union may deem it just to pay the funeral allowance, the Union shall defray the cost of decent interment of the remains of such a member, and should the circumstances of such a case induce the Union to inter the remains and a claimant to the funeral allowance afterwards arise and prove his or her claim, the Union shall deduct from the amount of such claim, all the expenses it may have been put to on account of the interment, and pay the balance, if any, to the claimant.

2. **Scale of Funeral Allowances:**—On the death of a financial member who has been a member of the Union for twelve (12) months the funeral allowance shall be two dollars, fifty cents ($2.50), and shall increase at the rate of two dollars, fifty cents ($2.50) per annum, the maximum to be fifty dollars ($50).

RULE 24

SALARIES OF OFFICERS:

The State Management Committee shall from time to time set down a scale of payments for Sub-Branch Secretaries, Sub-Branch Presidents, Vice-Presidents, Delegates, Money Stewards, Sick Stewards, Sub-Branch Committees, Returning Officers and Deputy Returning Officers, Scrutineers, and clerical assistance, provided that when such scale is determined, it shall be registered under the Trade Union Act and the Industrial Conciliation and Arbitration Act as part of the Rules of the Union.

RULE 25

OFFICERS' HOLIDAYS:

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

RULE 26

CONTINGENT FUND:

Banked by S.M.C.

1. All money collected for the Contingent Fund shall be forwarded by the Sub-Branch Secretaries to the S.M.C. each half-year, at the same time as the dues, under Rule 16, Clause 20, are remitted, and shall be banked by the S.M.C. in the name of the Union in a separate account.

How Used

2. The Contingent Fund shall be used for the purpose of relieving cases of distress amongst members that are recommended by the Sub-Branches to and approved of, by the S.M.C. It may be used for assisting our own or any other trade.

Applications to S.M.C.

3. All applications for donations to members shall be on a schedule provided by the Union, and no donation shall be made unless such schedule is filled in by the Sub-Branch Secretary and approved by the S.M.C.

4. Requests for donations for purposes other than the relief of members shall be forwarded to the S.M.C., and shall contain full particulars of the purpose of the proposed donation.

Qualifications for Assistance

5. No member who has been less than three months in the Union shall be eligible for assistance from this fund, but in no case shall this fund be used for the payment of benefit to which a member is otherwise dis-entitled.

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APPRENTICES:

RULE 27

1. Candidates for this section must be proposed in the Sub-Branch meeting by adult members of the Union; they shall pay the usual entrance fee; they must have worked at the trade twelve (12) months, and be not less than sixteen (16) years of age.

Transfer to Full Membership

2. - On attaining the age of 21 years or on the completion of their apprenticeship, they shall be transferred to full membership.

RULE 28

ALTERATION TO RULES:

These Rules may be altered or deleted or additions made thereto by a majority of delegates to a State Delegate Convention held in accordance with Rule 10 (16) of these Rules provided that at least 28 days' notice to alter rules has been given by the State Management Committee and/or sub branches to the State Delegate Convention before such Convention assembles.

Provided that a State Delegate Convention may alter rules of which previous notice has not been given subject to two-thirds of the delegates voting in favour of the alterations.

Provided further that alterations to rules of an urgent nature may be made by a postal ballot of Convention delegates to determine for or against the adoption of the alterations.

RULE 29

REFERENDUM:

Upon request of a majority of Sub-Branches comprising twenty-five per cent of the membership requesting a referendum upon any matter, the S.M.C. shall immediately take a referendum of the whole membership and should any such referendum be carried by a majority of members voting by ballot, the same shall be binding upon members of the Branch.

RULE 30

DISSOLUTION:

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

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RULE 31

STANDING ORDERS AND RULES OF DEBATE

Call to Speak

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

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

Motions

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

Amendment

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

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

Question Be Now Put

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

Speak Only Once

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

Time Limit

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

Reply

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

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

President's Right to Speak

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

Limit to Debate

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

Notice of Motion

13. At any meeting of the Sub-Branch any member may give notice of motion for a future meeting by (1) reading such notice to the meeting; or (2) handing a copy thereof to the President. Such notice

00358

of motion shall take precedence in the order in which it stands in the minute book, in relation to other similar notices, unless otherwise ordered by the Sub-Branch, and shall lapse if the member, or some member on his behalf, be not present when the order of the day for such notice is read.

Motion to Adjourn

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

Moving Dissent From Chairman's Ruling

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

How Put

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

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

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

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

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

00359

APPENDIX 1

PARTICULARS ON FORM AS PRESCRIBED BY RULE 3

(Surname) (Christian Name)

Write plainly, and write surname in BLOCK type.

BUILDING WORKERS' INDUSTRIAL UNION OF AUSTRALIA
Amalgamated Society of Carpenters and Joiners and Bricklayers of Australasia

PROPOSITION AND ADMISSION FORM

.. Sub-Branch

I, the undersigned, aged..... years, of .....

..... In the State of.....

on the..... day of .....19.. . do hereby agree to become a member of the Building Workers' Industrial Union of Australia (Amalgamated Society of Carpenters and Joiners and Bricklayers of Australasia) and agree to conform to the Laws and Rules of the said Union.

Signed, ...

The abovenamed was admitted as a member of the said Union on the

..... day of ..... 19 ....

Proposed by ..... President

Proposed by..... Secretary

(See Over)

(DO NOT FOLD OR CREASE THIS CARD)

(Reverse side of Proposition and Admission Form)—

HISTORY

1 Have you previously been a member of the A.S.C.J.B. or B.W.I.U.?

State Particulars.....

.....

Are you a member of any other Industrial Union?

State Particulars .....

Apprentices State Date—

- Completed Trade.
- Entered Trade.
- Strike out which is not applicable.

TRANSFERS

BRANCH TRANSFERRED	DATE	ADDRESS

00360

THIS IS THE ORDER OF BUSINESS AT YOUR UNION'S MEETINGS

- President declares the meeting open for business.
- Minutes of previous meeting are read and adopted.
- New members are admitted.
- Minutes of the Sub-Branch Committee are read.
- Correspondence read and discussed.
- Auditor's Report.
- Reports of Delegates.
- Secretary's Cash Account.
- Election of branch and other officers.
- Adjourned business — New business.
- Adjournment.

★

Address to be delivered by Sub-Branch President to members on admission.

"I have the pleasure to inform you that you have been admitted a member of the Building Workers' Industrial Union of Australia, Amalgamated Society of Carpenters and Joiners and Bricklayers of Australasia. Now that you have joined with us I trust that you will use your best endeavours to advance the interests of the industry you are engaged in, and may you long be spared to be a useful and militant member of this Society, with honour to yourself and justice to your fellow workers. Brother, I welcome you."

00361

STATE LIBRARY OF QUEENSLAND
Order received 1 MAY

SINCE THESE RULE BOOKS WERE PRINTED THE FOLLOWING RULES HAVE BEEN CHANGED:-

Rule 2 - Clause 13

Rule 3 - Clause 1

Rule 4 - Clause 1
" 2

Rule 10 - Clause 2
" 3
" 4
" 5
" 24

Rule 11 A Assistant Secretary

Rule 19 - Clause 1
" 2
" 3
" 6
" 12
" 16

Rule 20 - Clause 1

Rule 25

PLEASE NOTE: Clause 2 of Rule 4 has been deleted.

00362

CERTIFIED 1.8.1974

RULE 2 - Clause 13

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union; such levy to be no more than $5 in any one half year with the amount of same to be determined by the State Management Committee.

RULE 3 - Clause 1

1. The Entrance Fee shall be $4 or any other sum, as the Sub-Branch or State Management Committee may decide, but not more than $12.

RULE 4 - Clause 1

1. Contributions shall be $17 per half-year, payable in advance, part of such Contributions shall be used for the payment of producing Union Journals, and of posting same to the address of each financial member.

Ten cents of each $17 Contribution shall be retained by each Sub-Branch as a Benefit Fund, which shall be governed by uniform Rules drawn up by the State Management Committee, and each Fund shall be subject to audit and a copy of the Statement of Half-Yearly Receipts and Expenditure forwarded to the State Office.

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Rule 4 - Clause 1 continued....

Ten cents shall be paid into the Contingent Fund, and used for the purposes, and in the manner laid down in Rule 26.

From each half-yearly subscription received from members, the sum of 25¢ or such amount as determined from time to time to maintain the existing service to members, shall be used to provide to each financial member by post to his home address a copy of each issue of the publication entitled "The Queensland Building Workers' Journal".

The amounts allocated for the publication and posting of the said Journal shall be accounted in the annual Balance Sheet and duly audited.

RULE 4 - Clause 2

Delete Clause 2 of this Rule.

RULE 10 - Clause 2

2. The State Management Committee shall consist of fourteen (14) members including the State President and State Secretary, all of whom shall be elected in accordance with the provisions of Rule 19.

The S.M.C. shall meet at the Trades Hall, Brisbane, or such other place as it may decide, for the purpose of controlling the business of the Branch. Any five shall constitute a quorum.

Rule 10 - Clause 2 continued.

The S.M.C. shall elect from its members a State Vice-President.

Provided that until the 1975 Branch elections, the State Management Committee shall consist of fifteen (15) members including the State President, the State Secretary, and the past Acting State Secretary of the United Operative Bricklayers' Society of Queensland.

RULE 10 - Clause 24

24. The S.M.C. shall elect from among their members three trustees, any two with the State Secretary to operate.

The property and finances of the Branch shall be vested in the names of the three trustees.

The funds of the Branch shall be banked in the manner prescribed in Rule 6.

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

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

FEDERAL CONFERENCE - R.O.

The State Management Committee shall also elect delegates to Federal Conference and shall elect also a Branch Returning Officer who, after applications have been called for the position, shall be appointed by the S.M.C. for that purpose.

RULE 19 - Clause 1

(1) Any member of the Queensland Branch who is financial and who at the time of nomination has had not less than three years financial membership immediately prior to nomination may nominate for any of the positions named at the head of this rule No member shall be a candidate for two or more offices that, if elected to, he would be unable to hold at the same time.

RULE 19 - Clause 3

(3) A candidate for any of the above positions shall complete the nomination form which shall be available from the Returning Officer and Sub-Branches of the Union. The nomination form must be signed by the candidate and endorsed by two financial members who immediately prior to signing the nomination have had not less than 12 months financial membership.

RULE 19 - Clause 16

(16) Should a vacancy occur in any of the above mentioned offices the State Management Committee shall fill the position by election for the remaining portion of the term within one month.

If the term remaining is more than 12 months an election shall be held in accordance with Rule 19 - this by way of postal ballot of all financial members - after nominations for the vacancy have been called in accordance with the foregoing rule.

Nominations for any vacancy shall be called through the Sub-Branches of the union and nominees shall fulfill the conditions laid down in Rule 19 (1) and Rule 19 (3).

RULE 25

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

CERTIFIED 24.2.75

RULE 4 - Clause 1

1. Contributions shall be $20 per half-year, payable in advance, part of such Contributions shall be used for the payment of producing Union Journals, and of posting same to the address of each financial member.

Ten cents of each $20 Contribution shall be retained by each Sub-Branch as a Benefit Fund, which shall be governed by uniform Rules drawn up by the State Management Committee, and each Fund shall be subject to audit and a copy of the Statement of Half-Yearly Receipts and Expenditure forwarded to the State Office.

Ten cents shall be paid into the Contingent Fund, and used for the purposes, and in the manner laid down in Rule 26.

From each half-yearly subscription received from members, the sum of 25¢ or such amount as determined from time to time to maintain the existing service to members, shall be used to provide to each financial member by post to his home address a copy of each issue of the publication entitled "The Queensland Building Workers' Journal".

The amounts allocated for the publication and posting of the said Journal shall be accounted in the annual Balance Sheet and duly audited.

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CERTIFIED 9.6.75

RULE 10 - Clause 2

2. The State Management Committee shall consist of fourteen (14) members, includin the State Secretary and the State Assistan Secretary, all of whom shall be elected in accordance with the provisions of Rule

The S.M.C. shall meet at the Trades Hall, Brisbane or such other place as may be decided for the purpose of controlling the business of the Branch.

Any eight (8) members of the S.M.C. shall constitute a quorum.

The S.M.C. shall elect from its members a State President and a State Vice President.

A full time official of the union shall not be eligible to stand either for the positic of State President or State Vice President.

RULE 10 - Clauses 3, 4, 5

Duties of the State President

3. (i) The State President shall preside at all meetings of the S.M.C., State Delegate or Special Convention and at meetings convened by the State Convention or S.M.C. He shall have a deliberative vote only. The State Vice-President shall take the chair in the absence of the State President.

(ii) He shall carry out such duties as may be assigned to him from time to time by the S.M.C., and by the State Secretary acting on their behalf.

(iii) He shall conduct the business in accordance with the standing orders and rules of debate.

(iv) He shall, upon the minutes being confirmed, sign the minute book in the presence of the meeting, and he shall have the meeting, by resolution, endorse or reject all accounts submitted for payment.

S.M.C. and Executive

4. The State Management Committee shall meet not less than three times each year provided that a special meeting of the S.M.C. may be called on a written requisition addressed to the State Secretary signed by five members of the S.M.C.

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RULE 10 - Clauses 3, 4, 5 (continued)

The S.M.C. shall elect from its members an Executive of not less than six members including the State Secretary and State Assistant Secretary to control the affairs of the Union in Queensland between meetings of the S.M.C. Such Executive shall be subject to the control of the S.M.C. and the minutes of each Executive meeting shall be immediately forwarded to each member of the S.M.C. and all sub-branches. The Executive shall meet not less than monthly.

5. The State Secretary and State Assistant Secretary shall be elected and remain in office for a period of three (3) years. Either shall also act as Secretary of the Brisbane Sub-Branch.

RULE 10 - Clause 24

24. The S.M.C. shall elect from among their members three trustees, any two with the State Secretary or in the latter's absence, the State Assistant Secretary to operate.

The property and finances of the Branch shall be vested in the names of the three trustees.

The funds of the Branch shall be banked in the manner prescribed in Rule 6.

RULE 10 - Clause 24 (continued)

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

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

Branch Returning Officer - Delegates to Federal Conference, A.C.T.U. Congresses etc.

The State Management Committee shall appoint a Branch Returning Officer to conduct all required Ballots, including the triennial ballot, that after applications for the position have been called through all Sub-branches of the union.

The appointment shall be made by a majority vote of members of the State Management Committee at its last meeting prior to the Triennial Ballot.

The State Management Committee shall also elect delegates to Federal Conference of the union, the A.C.T.U. Congress, the Trades & Labor Council, the Queensland Building Trades Group and other such bodies.

00372

RULE 11A - Duties of Assistant Secretary

The Assistant State Secretary shall work under the direction of the State Management Committee and the State Secretary. He shall assist the State Secretary in the carrying out of the duties set out in Rule 11 and shall act as the Acting State Secretary in the absence of the State Secretary. He shall be subject to Clause 3 and 4 of Rule 11.

RULE 19 - Heading

ELECTION OF STATE SECRETARY, ASSISTANT STATE SECRETARY, S.M.C. MEMBERS AND ORGANISERS

RULE 19 - Clause 6

(6) If more nominations are received than there are vacancies, the Returning Officer shall arrange for the names to be drawn in a Ballot in the presence of the State Executive and such names shall be placed on the Ballot Paper in the order in which they are so drawn.

RULE 19 - Clause 12

(12) In the case of the State Secretary, and the Acting State Secretary, the candidate with the highest number of votes shall be declared elected.

In the case of the State Management Committe the twelve candidates with the highest number of votes shall be declared elected.

RULE 19 - Clause 12 (continued)

In the case of State Organisers, the candidates up to the number required and with the highest number of votes shall be declared elected.

RULE 20 - Clause 1

1. The S.M.C. shall not less than two months prior to the closing of nominations as prescribed in Rule 19, determine the number of organisers to be elected. They shall also determine the area of the State in which Organisers shall reside and operate.

The Organisers shall be under the control of the S.M.C. and shall when required, attend meetings of the S.M.C. They shall perform such organising duties as may be required and shall visit shops and jobs where members of the Union and other workers eligible to join are employed and endeavour to enrol new members. They shall cooperate with all Shop and Job Stewards and Sub-Branch Secretaries, and carry out organisational work in any part of the State as directed by the S.M.C.

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RULE 20 - Clause 1 (continued)

State Organisers may be elected and remain in office for a period of three years, provided that if the funds are insufficient to meet the half-yearly expenditure, their services may be temporarily dispensed with at the discretion of the S.M.C.

The S.M.C. may appoint Temporary Organisers for a period not exceeding six (6) months; the duties of Organisers to be determined by the S.M.C.

FILED 16.7.75

RULE 10 - Clause 5

5. The State Secretary and State Assistant Secretary shall be elected and remain in office for a period of four (4) years. Either shall also act as Secretary of the Brisbane Sub-Branch.

Provided that from the date of the 1979 elections the term of office referred to above shall be three years.

RULE 19 - Clause 2

(2) The term of office for the above positions shall be four years and such term shall commence from the date the successful candidates are declared elected by the Returning Officer conducting the ballot.

Provided that from the date of the 1979 elections the term of office referred to above shall be three years.

RULE 20 - Clause 1

1. The S.M.C. shall not less than two months prior to the closing of nominations as prescribed in Rule 19, determine the number of organisers to be elected. They shall also determine the area of the State in which Organisers shall reside and operate.

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RULE 20 - Clause 1

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Provided that from the date of the 1979 elections the term of office referred to above shall be three years.

The S.M.C. may appoint Temporary Organisers for a period not exceeding six (6) months; the duties of Organisers to be determined by the S.M.C.

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• RULES

Building Workers' Industrial Union of Australia

Queensland Branch

AMALGAMATED SOCIETY OF CARPENTERS & JOINERS & BRICKLAYERS OF AUSTRALASIA

UNION OF EMPLOYERS, Queensland Branch

00378

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The name of McGrath is well known in the Bundaberg district as the original company started off by Jack McGrath, who was a Real Estate Agent, Valuer and Registered Tax Agent, commenced business in the 1930's.
Mr McGrath maintained an association with the company for over 30 years until he and his wife sold out and retired when a new company was formed in 1961.
W. J. McGrath and Co. Pty Ltd still remains the name of the parent company and all trading is done under the name of McGrath Homes.
From 1961 to 1965 the company steadily grew but still the emphasis remained on the Real Estate operation.
The year 1965 proved to be the start of a boom period for McGrath Homes, which is still continuing today, 11 years later. The Directors decided to expand the scope of operations by becoming involved in the home construction field — the main aim being to provide a complete and efficient service for the new home buyer.
In order to facilitate such a service a Building Display Centre was organised in which prospective home buyers could wander through and inspect a wide variety of building products and materials and ultimately select them for the home of their choice.
In addition McGrath Homes set up an individual design section not only to provide plans of a standard nature for company use, but also to assist customers in Bundaberg and its surrounding districts who had their own ideas but no knowledge of either Council By-Laws or how to put their ideas on paper.

00379

BUILDING WORKERS' INDUSTRIAL UNION OF AUSTRALIA

QUEENSLAND BRANCH

REGISTERED RULES

This Rule Book was reprinted in March, 1977. The union was formed following the amalgamation of the United Operative Bricklayers' Society of Queensland and the Amalgamated Society of Carpenters and Joiners of Australasia (Queensland Branch) with the subsequent union being known as the Amalgamated Society of Carpenters and Joiners and Bricklayers of Australasia, Union of Employees, Queensland Branch.

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Amalgamated Society of Carpenters and Joiners and Bricklayers of Australasia

Union of Employees — Queensland Branch

RULES

RULE 1

NAME AND CONSTITUTION:

(1) The name shall be the Amalgamated Society of Carpenters and Joiners and Bricklayers of Australasia, Union of Employees, Queensland Branch (hereinafter referred to in these Rules as the Branch). The Branch shall consist of an unlimited number of persons, whether male or female, employed or usually employed as carpenters or joiners, or as stone masons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions; also those employed in or usually employed in the following callings:— Bricklaying, tuckpointing, coke slab wall erection, gas retort repairers, fire clay block layers, floor tilers, roof tilers, slaters and shinglers, Terracotta fixer, majolica fixers, earthenware pipe drain layers in or about a building, cutters of brickwork for doorways, windows etc., together with such other persons, whether employees in the industry or not, as have been appointed officers of the Association and admitted as members hereof.

(2) The seal of the Branch shall be oval in shape inscribed in the outer edge the words "Amalgamated Society of Carpenters and Joiners and Bricklayers of Australasia" and it shall have on the inner space the words "Queensland State Management Committee."

RULE 2

OBJECTS:

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

2. To regulate the conditions under which all members of the Union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or Association, or Associations of Trade Unions, or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Sub-Branches or Sections of the Union throughout the State.

7. To further any scheme that has for its objects the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labor and Trade Union newspapers and wireless broadcasting stations, and to invest in shares in such newspapers and radio stations.

8. To constitute, conduct, carry on and manage clubs in the interest of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide Labor or Trade Union Organisation or Association.

00384

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10. To establish and manage a Union Journal.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union; such levy to be no more than $5 in any one half year with the amount of same to be determined by the State Management Committee.

14. To render legal and other assistance to members for the recovery of wages or compensation for injuries, to protect the interests of the trade in all its Branches, and to assist other trades by any legal method.

15. To obtain such other objects as may from time to time be determined in accordance with these rules.

16. To organise the education of members.

RULE 3

ENTRANCE FEE:

1. The Entrance Fee shall be $4 or any other sum, as the Sub-Branch or State Management Committee may decide, but not more than $12.

MEMBERSHIP:

2. Application for membership shall be on the form provided, signed by the applicant and two financial members, who shall first satisfy themselves that the applicant is a fit and proper person to enter the Union.

All applicants for membership in the Union if residing within a three mile radius of the Sub-Branch where they apply, must, unless a satisfactory reason is given, attend the Meeting at which their application is considered.

3. All applications for membership shall be lodged together with the amount of Entrance Fee with the Sub-Branch Secretary, or such other person authorised by the S.M.C. Applications for membership shall be dealt with by the Sub-Branch or the S.M.C., who shall, if satisfied with the bona fides and Trade Qualifications of the applicant, admit him to membership of the Sub-Branch as from the date of the Receipt of his application form by the Sub-Branch Secretary, or other duly authorised person. The form of application for membership shall be as shown in Appendix I to these Rules.

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

5. Applicants for Membership shall be qualified workmen of good character and shall, when admitted to membership, enjoy all advantages of Membership so long as they comply with the registered Rules of the Union.

6. Any applicant who is a fully-paid up member of another Union, and who had previously been transferred from this Union to another Union, may be re-admitted on Clearance without Entrance Fee. Any member entering this Union on Clearance from another Union, shall qualify for Benefits according to Rules.

7. Applicants shall, if possible, attend the next meeting of the Sub-Branch to which he makes application. Failure to attend shall not necessarily exempt the Candidate from election to membership.

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

9. All members shall be supplied with a copy of the Rules free of charge, but any member requiring a second copy shall be charged two cents (2¢).

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RULE 4

CONTRIBUTIONS.

1. Contributions shall be $28 per half year payable in advance; provided that members employed by the Queensland Government Railways and members employed in joinery establishments shall pay in advance contributions of $24 per half year.

—35c of each half-yearly contribution or such amount as may be determined by the State Management Committee, shall be used to produce union publications, including "Building Worker" and to distribute same to financial members.

—10c of each half-yearly contribution shall be retained by a Sub-Branch as a Benefit Fund will shall be governed by uniform rules drawn up by the State Management Committee.

—10c of each half-yearly contribution shall be paid into the Contingent Fund and be forwarded to and used by the State Management Committee in the manner laid down in Rule 26.

Each of the above Funds shall be audited and a copy of the Statement of Half-Yearly Receipts and Expenditure shall be forwarded to State Office.

2. Deleted 1.8.1974.

Exemption from Contributions

3. Sub-Branch Committees may grant exemption from Contributions to members who have been unemployed for more than Eighteen Weeks during any half year. Application for exemption must be made in writing with proof of unemployment being submitted.

Aged and Infirm Members

4. All members over 60 years of age or who have had 25 years' continuous membership in the Union, who through physical infirmities, are unable to work continuously at the trade, may retain membership by paying one payment only of $5 in advance, for which they shall be entitled to receive funeral benefit only, provided that this does not apply to members who are over 50 years of age when joining the Union. Members wishing to be placed under this Rule shall make application to the Sub-Branch Secretary.

When Unfinancial

5. Any member who fails to pay his half-year contributions in advance on or before March 31 for the half-year March-September or September 30 for the half-year September-March shall be deemed to be unfinancial.

Entrance Between Half-Year Nights

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

Recovery of Arrears

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

Resignation

8. A member may resign his membership:

(a) If he accepts employment in an industry other than that represented by the Organisation, or

(b) On giving to the Sub-Branch Secretary three months' notice and the payment of contributions to the date of his resignation.

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

10. A member who joins an Employers' Association shall resign immediately he joins such organisation.

Funds Property of Members

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

RULE 5

REMOVAL OF OFFICERS.

1. The State Management Committee shall be under the control of the members. Any officer or member of the S.M.C. being charged with neglect of duty, grave misconduct or violation of the Rules of the Union may be suspended immediately by decision of the S.M.C. Prior to such suspension such officer or member shall be given particulars of the charge laid against him and a reasonable opportunity of being heard in his defence. In case of an appeal against suspension the grounds for such suspension, together with the appeal of the officer suspended shall, within two months of suspension be fully set out, and submitted to the members for confirmation or rejection; such decision of the members to be final. Should there be no appeal against suspension the S.M.C. shall have power to dismiss the officer concerned. Appeals under this Rule must be lodged with the Secretary of the Sub-Branch to which the member belongs within fourteen (14) days of suspension.

2. The State Management Committee or any officer may be removed from office by resolution carried on a ballot by a simple two-thirds majority of those voting of the members of the Branch, and in the event of any officer or members being removed from office an election must be held within one month of such removal from office in accordance with Rule 19.

In any ballot there shall be sent to every member entitled to vote a statement not exceeding 600 words by the person or persons proposing the removal and a statement not exceeding 600 words by the officer or officers of the State Management Committee proposed to be removed.

RULE 6

BANKING AND EXPENDITURE OF FUNDS:

1. All moneys of the Union in Queensland shall be banked by the State, and Sub-Branch Officers in the Commonwealth Bank of Australia, or such other Bank as the S.M.C. may decide.

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

RULE 7

AUDIT OF ACCOUNTS:

The S.M.C. shall appoint annually a competent person as its auditor who shall have full and complete access to all the books and documents of the Branch. Such person shall audit annually the accounts of the Branch and of the Capital City Sub-Branch. The accounts of the other Sub-Branches shall be audited half-yearly in the manner provided in Rule 12, Clause 16.

A competent person, within the meaning of this Rule, shall be a person, other than a member of the organisation or branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of Public

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RULE 8

REGISTERED OFFICE

The Registered Office of the Union in Queensland shall be at the Trades Hall, Edward Street, Brisbane.

RULE 9

A register of members in the State shall be kept in the Registered Office.

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

RULE 10

STATE MANAGEMENT COMMITTEE:

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

They shall elect delegates to attend Federal Conferences of the Building Workers' Industrial Union of Australia.

2. The State Management Committee shall consist of fourteen (14) members, including the State Secretary and the State Assistant Secretary, all of whom shall be elected in accordance with the provisions of Rule 19.

The S.M.C. shall meet at the Trades Hall, Brisbane or such other place as may be decided for the purpose of controlling the business of the Branch.

Any eight (8) members of the S.M.C. shall constitute a quorum.

The S.M.C. shall elect from its members a State President and a State Vice President.

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

Duties of the State President

3. (i) The State President shall preside at all meetings of the S.M.C., State Delegate or Special Convention and at meetings convened by the State Convention or S.M.C. He shall have a deliberative vote only. The State Vice-President shall take the chair in the absence of the State President.

(ii) He shall carry out such duties as may be assigned to him from time to time by the S.M.C., and by the State Secretary acting on their behalf.

(iii) He shall conduct the business in accordance with the standing orders and rules of debate.

(iv) He shall, upon the minutes being confirmed, sign the minute book in the presence of the meeting, and he shall have the meeting, by resolution, endorse or reject all accounts submitted for payment.

S.M.C. and Executive

4. The State Management Committee shall meet not less than three times each year provided that a special meeting of the S.M.C. may be called on a written requisition addressed to the State Secretary signed by five members of the S.M.C.

The S.M.C. shall elect from its members an Executive of not less than six members including the State Secretary and State Assistant Secretary to control the affairs of the Union in Queensland between meetings of the S.M.C. Such Executive shall be subject to the control of the S.M.C. and the minutes of each Executive meeting shall be immediately forwarded to each member of the S.M.C. and all sub-branches. The Executive shall meet not less than monthly.

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5. The State Secretary and State Assistant Secretary shall be elected and remain in office for a period of three (3) years. Either shall also act as Secretary of the Brisbane Sub-Branch.

Delegation Approval

6. No Sub-Branch shall have the power to delegate any member on Union business for any period above one week in any half-year without first obtaining the approval of the State Committee. Any infringement of this Rule by any member or Sub-Branch shall be deemed misconduct, and members or Sub-Branches infringing this Rule may be fined by the S.M.C. any sum not exceeding $20. This Rule shall not affect the Rule allowing 10 per cent of the Sub-Branch Income to be used for local organising.

Interpretation of Rules

7. The S.M.C. shall interpret all Rules requiring interpretation.

Legal Proceedings

8. The trustees of the Union after being authorised by the S.M.C. shall be empowered to take legal proceedings for recovery of arrears of contributions and fines, breaches of Awards and recovery of Accident compensation.

9. The State Committee may, provided the funds of the S.M.C. are sufficient to meet the additional expense, appoint one or more Organisers.

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

Control and Suspension of Members

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

The S.M.C. shall immediately notify the Sub-Branch to which the member belongs of its decision.

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

Any action taken against a member shall be in accordance with the provisions laid down in Rule 16.

Transfer of Members

12. They shall have power at the request of a member to order the transfer of any member from any Sub-Branch under their jurisdiction, to any other Sub-Branch in Queensland, which, in the opinion of the S.M.C., such transfer is necessary to enable the member concerned properly to participate in the affairs of the Branch.

13. They shall have power to grant donations from the Contingent Fund when application has been made in accordance with the provisions of Rule 25.

Aggregate Meetings

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

THE S.M.C. shall have power to establish Sub-Branches of fifty or more members on a locality basis and of less than fifty members on an industry basis if, in the opinion of the S.M.C., the members' industrial interests warrant the formation of a Sub-Branch.

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Delegates' Meeting

15. Whenever it is necessary to obtain the opinion of members in any district with five hundred (500) members and upwards, it may be done by special Summoned Meetings of the Sub-Branches in such district, when delegates shall be elected from each Sub-Branch in proportion to the Sub-Branch membership in accordance with the following scale: Under 100 members, one delegate; 100 and under 250 members, two delegates; 250 and upwards, three delegates; who shall be paid according to Rule 24.

Delegate Convention

16. (a) The S.M.C. shall convene at regular intervals not more than each two years (but at earlier intervals should it be deemed necessary) a State delegate Convention consisting of delegates elected from Sub-Branches and jobs throughout the State and also comprised of members of the S.M.C. and full-time officials of the Union.

(b) The method of financing such Convention and the number of delegates. Sub-Branches and jobs may elect to attend such Convention shall be determined by the S.M.C. from time to time.

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

(d) The State Delegate Convention shall, from time to time, determine the policy of the Union to be observed by the membership and by the S.M.C.

(e) The State Delegate Convention may recommend that a referendum of the membership be taken on any rule or rules of the Union required to be submitted to a ballot of the membership.

Special Auditors

17. The S.M.C. may at any time appoint two Auditors to audit the books of any Sub-Branch or direct that the books be forwarded to the State Office for audit.

Control of Organisers

18. They shall have control over the Organisers, and shall have power to call on the Capital City Sub-Branch Secretary to perform any duty that may arise which does not interfere with his duties as Sub-Branch Secretary.

19. In Districts where an Organiser-Secretary has been appointed or elected, he shall be under the control of the Sub-Branch he visits for organising purposes only, for the period allotted by this District Committee.

S.M.C. Finance and Contingent Fund

20. The S.M.C. shall have control of the property in their State and, in addition to the provision of Rule 4, Clause 11, shall draw from each Sub-Branch, Job Stewards and Organisers the total contributions, entrance fees and fines collected.

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

The State Management Committee may disperse monies for the purpose set out in the objects of the Union, and such funds may be invested from time to time in such manner as may be determined by the State Management Committee. No donation exceeding $200 shall be made from the Contingent Fund without the sanction of a majority of the Sub-Branches in Queensland.

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Affiliation

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

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

Delegating Powers

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

Trustees

24. The S.M.C. shall elect from among their members three trustees, any two with the State Secretary or in the latter's absence, the State Assistant Secretary to operate.

The property and finances of the Branch shall be vested in the names of the three trustees.

The funds of the Branch shall be banked in the manner prescribed in Rule 6.

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

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

Branch Returning Officer — Delegates to Federal Conference, A.C.T.U. Congresses etc

The State Management Committee shall appoint a Branch Returning Officer to conduct all required Ballots, including the triennial ballot, that after applications for the position have been called through all Sub-branches of the union.

The appointment shall be made by a majority vote of members of the State Management Committee at its last meeting prior to the Triennial Ballot.

The State Management Committee shall also elect delegates to Federal Conference of the union, the A.C.T.U. Congress, the Trades & Labor Council, the Queensland Building Trades Group and other such bodies.

Elections by S.M.C.

25. (a) In any election by the S.M.C. the following procedure shall be observed;

(b) If all S.M.C. members are in attendance at the S.M.C. meeting at which the election is to be held, viz. in the case of the Branch Vice-President and the Trustees during the month of January following the triennial elections, in the case of delegates to Federal Conference at least one calendar month prior to the annual meeting of the Federal Conference and in the case of other positions as may be determined by the S.M.C., nominations shall be called and a ballot shall be held

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

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(c) In the election of delegates to Federal Conference, the Branch Returning Officer shall call for nominations by notice appearing one calendar month prior to the date of the S.M.C. meeting at which the election is to be held, in one daily newspaper circulating throughout the State of Queensland.

Nominations shall be in writing and signed by the candidate.

Nominations shall close fourteen days after the publication of the notice and if more than sufficient nominations are received the Returning Officer shall conduct the election at the next meeting of the S.M.C.

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

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

(f) Voting shall close one hour after the commencement of the meeting or at such times as all S.M.C. members have voted.

(g) The Returning Officer shall thereupon open the ballot box and in the presence of the S.M.C. members who desire to be present, proceed to count the ballot. The candidate or candidates up to the number required receiving the highest number of votes shall be declared elected.

(h) In the case of an equality of votes for any two or more candidates, the Returning Officer shall determine by casting his vote which of the candidates is elected.

(i) The Returning Officer shall notify the S.M.C. of the result of the ballot and the S.M.C. shall publish same in the S.M.C. Minutes.

(j) Should a vacancy occur in any of the above positions the S.M.C. shall fill the position within one month. But if the term remaining is more than six months an election shall be held to fill the vacancy. In any such election the provisions of this rule shall apply with any necessary modifications.

(k) Should one or more members of the S.M.C. be absent from the meeting at which an election was to have been held, a postal ballot of all members of the S.M.C. shall be held within seven days of such meeting.

(l) In such election the Returning Officer shall immediately post to each S.M.C. member a properly initialled ballot paper on which no other distinguishing mark appears together with a business reply or stamped envelope for the return of same to the Post Office Box marked on the envelope.

(m) On the morning of the eighth day following the despatch of the ballot papers by the Returning Officer, the Returning Officer and the scrutineers appointed by the S.M.C. shall collect the ballot papers from the Post Office Box and then proceed to the Union Office where they shall count the ballot. The candidate or candidates up to the number required receiving the highest number of votes shall be declared elected.

(n) The Returning Officer shall notify the S.M.C. of the result of the ballot and the S.M.C. shall publish same in the S.M.C. Minutes.

(o) The S.M.C. shall appoint one of its members who is not a candidate as scrutineer and any candidate may appoint any member of the Branch to act as scrutineer on his behalf. Any scrutineer shall be entitled to be present at and to observe all stages of the ballot.

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(p) Any accidental or unavoidable omission or error in the carrying out or observance of this Rule shall not invalidate the election if such omission or error appears not to have affected the result of an election.

(q) In an election the Returning Officer and scrutineers shall conduct themselves in a sober, proper and impartial manner and do all things necessary to preserve the secrecy of the ballot.

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

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

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

RULE 13

DUTIES OF SECRETARY OF THE STATE MANAGEMENT COMMITTEE — CONTROLLED BY S.M.C.

1. He shall be under the control of the S.M.C., and shall devote the whole of his working time to the business of the Union.

He shall be the registered (State) Officer to sue to be sued on behalf of the Union in his State in regard to any legal matter within the State in which the S.M.C. has jurisdiction.

He shall keep a correct record of the members in his State and shall, when instructed by the S.M.C., sue for the recovery of arrears of contributions or other monies due to the Union by the members in his State.

The State Secretary shall keep or cause to be kept proper books of accounts showing the receipts and expenditure of the Branch, and separate accounts of receipts from all Sub-Branches, and also correct records of all monies received or paid on account of any particular fund, and separate accounts of all management expenses and of all contributions on account thereof, as required by the Queensland Trade Union Act of 1915 and amendments thereof.

The State Secretary shall endorse all vouchers for payment certifying to their correctness, and shall prepare a balance sheet in accordance with Rule 11(2).

The State Secretary shall submit to each meeting of the State Management Committee an interim statement of receipts and payments made up to the end of the week preceding the meeting.

Wages Boards

2. He shall attend to all Wages Board, Arbitration Court, and other legal matters coming within the jurisdiction of the S.M.C. He shall keep all books and documents necessary to a proper working of the office of the S.M.C. He shall prepare a half-yearly report and also a yearly balance sheet showing the income and expenditure for that term, and upon the same being audited and adopted by the S.M.C., he shall send a copy to the Sub-Branches over which the S.M.C. has jurisdiction.

He shall prepare and forward to the Registrar of Trade Unions all returns required by law.

Neglect of Duty

3. Should he fail to carry out his duties to the satisfaction of the S.M.C., he may be dealt with by such committee in the manner prescribed in Rule 5.

Resignation or Removal

4. In the event of his desiring to resign, he shall give at least one month's notice or be fined ten dollars ($10). Upon resigning or being removed from office, according to Rule 5, he shall, within seven (7) days, deliver up to whatever person the S.M.C. may appoint, all books, documents and other property of the Union

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RULE 11A

DUTIES OF ASSISTANT SECRETARY:

1A. The Assistant State Secretary shall work under the direction of the State Management Committee and the State Secretary. He shall assist the State Secretary in the carrying out of the duties set out in Rule 11 and shall act as the Acting State Secretary in the absence of the State Secretary. He shall be subject to Clause 3 and 4 of Rule 11.

RULE 12

POWERS AND DUTIES OF SUB-BRANCHES:

1. For the convenience of members, Sub-Branches may be opened in any town in the State. No Sub-Branch shall be opened without the consent of the S.M.C. Each Sub-Branch shall have power to elect its own officers and with the consent of the S.M.C. generally control its own business.

When Disbanded

2. In no case shall any Sub-Branch close or disband without the authority of the S.M.C., in which case all cash or other property shall be handed over to the S.M.C.

Visiting Members

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

Clearances

4. Any member entering a Sub-Branch by clearance shall not have a vote in that Sub-Branch until his clearance has been accepted by such Sub-Branch.

5. No Sub-Branch shall hold its meetings in licensed premises where alcohol is sold.

6. Sub-Branches shall accept a transfer for any member, and issue a transfer for any member who applies for same, subject to the provisions of Rule 15, Clauses 2 and 3, and all arrears of contributions shown on the clearance card sent from a Sub-Branch in one State to a Sub-Branch in another State shall be collected and retained by the Sub-Branch to which the members have been transferred.

7. Each Sub-Branch may obtain a room and a safe and/or steel cabinet and office equipment for the safe keeping of Union property provided the S.M.C. is advised of the cost of such facilities and has approved whatever payment is necessary to secure such facilities.

Interpretation of Rules

8. Should any Rules require interpretation, or be not clearly defined, they shall be sent to the S.M.C. for their decision. All such decisions shall be inserted in the minute book of the Sub-Branch.

Resolutions to S.M.C

9. Resolutions to the S.M.C. shall be submitted in writing to the S.B.P., and the number of members present, and the numbers of votes for and against such resolution, shall be stated when the resolutions are sent to the S.M.C.

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Correspondence Confidential

10. All communications or copies of correspondence from the S.M.C. shall remain the property of the Union and information relating to the same shall not be divulged to any outside body or bodies without first obtaining the sanction of the S.M.C.

Sub-Branches Allowed

11. In all country towns there shall be only one Sub-Branch. Each capital city shall have only one Sub-Branch, and no other Sub-Branch shall operate within a radius of five miles of the meeting place of the City Sub-Branch except with the consent of the S.M.C.

Sub-Branch Officers

12. Sub-Branches shall elect the Sub-Branch Committee. Sub-Branch Committee shall consist of President, Vice-President and Secretary and six committee men, one of whom may be an apprentice. Sub-Branches with more than 100 members may also elect a Money Steward and Door Keeper. The Sub-Branch Secretary may appoint Sick Stewards as they are required.

13. Any member neglecting the duties for which he is elected, shall, unless a satisfactory apology is furnished, be fined by his Sub-Branch or S.M.C., any amount not exceeding ten dollars ($10).

14. Any officer of a Sub-Branch, member of a Committee, or delegate elected by such Sub-Branch, who is absent without reasonable excuse from three consecutive meetings, shall be deemed to have vacated his seat and the Sub-Branch shall fill the vacancy.

Meetings: When Held

15. Sub-Branches of the Union shall meet at least monthly to transact business and the time of opening and closing the Sub-Branch meeting shall be at the discretion of each Sub-Branch.

16. The Books of each Sub-Branch shall be sent each half-year to the State Office for audit.

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

18. Any member residing within a three miles' radius of the meeting place of the Sub-Branch who fails to attend a Summoned Meeting shall be fined a sum not exceeding 50c, unless a satisfactory excuse is tendered.

19. The Sub-Branch President and Secretary may and on requisition signed by ten per cent of the member of the Sub-Branch shall call a special meeting of the Sub-Branch. No business shall be transacted at such a meeting other than the business set out in the requisition or in the notice calling the meeting.

20. Sub-Branch By-laws shall be registered under "The Trade Union Act of 1915." The precise location of all meetings at which the business of the Sub-Branch shall be conducted shall be published six months in advance in the notice published half-yearly for that purpose. Copy of each such half-yearly notice shall be filed forthwith with the Trade Union Registrar.

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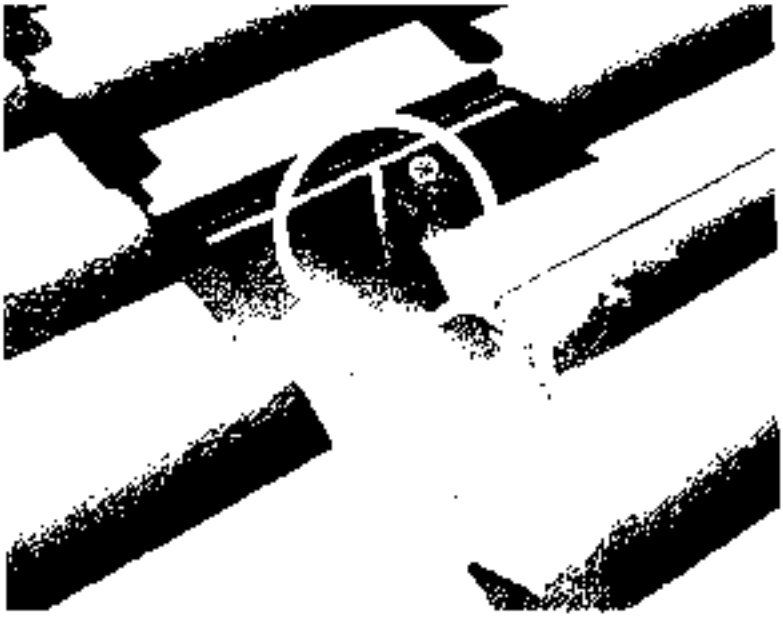

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RULE 13

DUTIES OF SUB-BRANCH OFFICERS AND COMMITTEES

(a) Sub-Branch President

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

Countersign Orders for Payment

2. He shall sign the Sub-Branch minutes of the previous meeting, after they have been confirmed by the Sub-Branch. He shall examine the Sub-Branch bank book each meeting night (when such book is not held by the bank) and report to the Sub-Branch the result of each banking transaction, the record to be inserted in the Minute Book. He shall countersign all orders for payment of money authorised by the Sub-Branch, and all orders for remittances to the S.M.C. when requested to do so by the State Secretary, and for capitation fees due to the S.M.C. under Rule 10, Clause 20. He shall also cause to be recorded in the minute book the number voting for and against all suggestions for alteration of Rules, or resolutions intended for the S.M.C. and the members present when the vote is taken.

(b) Sub-Branch Secretary

1. The Sub-Branch Secretary shall attend all meetings of the Sub-Branch or Committee. He shall conduct all correspondence and take the minutes of Committee meetings. He shall be responsible for the collecting of contributions, fines, and other money due to the Union by members of his Sub-Branch. He shall keep a clear and correct account of all receipts and expenditure in connection with the Sub-Branch. He shall register carefully the name, age and residence of every member, and shall, within one month, forward to the State Secretary, correctly filled in registration cards for all members admitted into the Sub-Branch, and also transfer cards for all members leaving the Sub-Branch. He shall also notify the State Secretary of all resignations and deaths.

Balance Sheets

2. He shall prepare, in duplicate, a half-yearly balance sheet and report, setting out all moneys and expenditure incurred during the period covered by such balance sheet, one copy to be forwarded to the State M.C. within seven days after the half-yearly meeting. He shall close his books immediately after the first meeting night in June and December and the contributions for the next ensuing half-year shall be due and payable on the second meeting in the months of March and September. He shall give every facility to the Auditors to examine all books and papers in connection with the Sub-Branch. He shall read out to the Sub-Branch a fortnightly cash account. He shall be the custodian of the official stamp of the Sub-Branch, and be ex-officio member of all sub-committees, but shall not have a vote on any matter in which he is personally or financially interested.

Half-Yearly Summons

3. He shall supply all necessary advice to the State Office to enable it to advise the Sub-Branch members of the time, place and date of the half-year meeting, which shall be in March and September of each year and the second meeting of the month where fortnightly meetings are held and the State Secretary shall forthwith notify all Sub-Branch members thereof. He shall supply all details

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

All Sub-Branch meetings called in accordance with this sub-clause shall be held at the price fixed by Rule 17 (20) for conduct of the business of the Sub-Branch.

Suspended Members

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

5. He shall accept all clearances (that are permitted) from other Unions, also transfers from other Sub-Branches or other States, and shall issue transfers for any members applying for same. He shall also transfer all members who do not comply with Rule 15, Clause 2, to the Sub-Branches nearest to which they reside.

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

Pay Benefits

6. He shall pay all benefits according to Rules 22 and 23, and he may be made to refund all expenditure that is made contrary to the provisions of these Rules.

Resignation or Removal

7. In the event of resigning he shall give one month's notice, or be fined $1, except in the case of illness or removal from the town. On his resignation or being removed from office, or on demand of the S.M.C., or whomsoever they may authorise, he shall, within seven days, deliver up all books, documents and property of the said Sub-Branch to the S.M.C. or Trustee. Before the books are handed over to his successor in office they shall be audited.

Neglect of Duty

8. Should he fail to carry out any of his duties to the satisfaction of the Sub-Branch, it shall, upon the matter being reported, refer it to the Sub-Branch Committee, who shall investigate it and report to a subsequent meeting, which shall have power to deal with him according to the provisions of Rule 12, Clause 14.

(c) Vice-President

He shall record the minutes of all Sub-Branch and special meetings and shall preside over meetings in the absence of the Sub-Branch President.

(d) Doorkeeper

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

(e) Sub-Branch Finances

The funds of each Sub-Branch shall be banked as provided in the Rules.

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

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(f) Sub-Branch Committee

In every Sub-Branch there shall be a Committee elected in accordance with Rule 12 (12) which shall meet when required on being summoned by the Sub-Branch Secretary, three to form a quorum. The President shall have a casting vote only, and the Secretary shall have no vote. The minutes of the proceedings shall be signed by the Chairman at the close of each meeting, and submitted to the next Sub-Branch Meeting for confirmation or otherwise. If necessary they shall examine and determine claims for local funds. In the event of a member being charged with acting contrary to the policy of the Union the Sub-Branch Committee shall have power to refuse payment of any benefit to such member until the charge has been investigated by the S.M.C. and its decision conveyed to the Sub-Branch. They shall hear and decide all cases of appeal from a member against an officer of the Sub-Branch. Any member of a Sub-Branch Committee who is absent without reasonable excuse from three consecutive meetings shall be deemed to have vacated his seat, and the Sub-Branch shall fill the vacancy. The Committee shall meet at least once per half-year for the purpose of drawing up an Agenda and making a report of the half-year's work for the half-yearly meeting of the Sub-Branch.

(h) Sick Stewards

Sick Stewards shall, when instructed by the S/B.S. visit any member who is sick or who has met with an accident, and report to the next Sub-Branch meeting.

(h) Returning Officers and Scrutineers

1. The Sub-Branch Returning Officer shall be responsible for the conduct of Sub-Branch elections. He shall procure all ballot papers, mind same, and issue to the member entitled to vote. He shall, if necessary, have a casting as well as a primary vote.

2. All ballot papers must be returned by 9 p.m. on meeting night and counted as soon as possible in the presence of two scrutineers. The result to be declared immediately count is complete. The candidate or candidates up to the number required receiving the highest number of votes shall be elected.

3. Scrutineers shall attend all meetings at which elections are being conducted, and assist the S./B. R.O. in all matters connected with the elections.

(i) Money Stewards

The Money Stewards shall attend the half-yearly Sub-Branch Meetings punctually at the time of commencing of business, and shall take money and issue receipts to members.

RULE 14

ELECTION OF SUB-BRANCH OFFICERS:

1. The election of all Sub-Branch Officers shall be held on the yearly meeting nights in March, which shall be by ballot of all members present at the meeting; no distinguishing figure or mark to be on ballot papers, same to be initialled by the Returning Officer.

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

3. Candidates for office shall be financial members of 12 months' standing in the State and shall be proposed and seconded by two financial members. Nomination shall be accepted on the meeting night prior to the date of election; failing nominations for any office on the night prior to the elections, nominations for such office may be accepted at the meeting on the night of election. All candidates shall give consent in writing or be present at the meeting when nominated.

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RULE 15

DUTIES OF MEMBERS.

1. No member shall call on or write to any S.-B.S. at the works where he is employed.

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

3 Members changing their residence and not informing the S.-B.S. in writing within three months of such change of address, unless a satisfactory reason is given, shall be fined not more than 25c.

RULE 16

MISCONDUCT OF MEMBERS:

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

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

(c) It shall be competent for the State Management Committee to affect a fine not exceeding $10, suspend from benefit for a period not exceeding three years, or expel from the Union a member upon satisfactory proof that such member has refused to comply with its decision.

(d) Charges under these Rules shall be made in writing within one month of the discovery of the incident to which it refers, to the Sub-Branch or State Management Committee. The member so charged shall be summoned to attend a meeting of Sub-Branch Committee or State Executive, or State Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be sufficient if posted to his last known place of abode not less than five days, or in the case of a member whose last known place of abode is situated more than 100 miles from Brisbane, not less than ten days before the date of such meeting.

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

A member may, if he desires, make his answer to the charges in writing.

(e) Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with by the State Management Committee provided that the maximum fine that may be imposed shall not exceed $10.

(f) Any member, members, or persons who by false representations, or imposition, obtain possession of money, securities, books, papers or other effects of the Union or having same in their possession withhold or misapply them shall render themselves liable to be summoned before a Court of summary jurisdiction.

00414

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RULE 17

PAYMENT AND RECOVERY OF FINES:

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

RULE 18

APPEALS OF MEMBERS AND SUB-BRANCHES AND S.M.C.

Right of Appeal

1. Any member finding himself aggrieved against the actions or decisions of the officers or members of the Union may, in the case of any grievance, appeal to his Sub-Branch for redress, and, if still aggrieved, he may further appeal to the S.M.C. within one month, whose decision shall be final and such decision must be conveyed to those concerned.

Not to Furnish Other Evidence

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

When Not Considered

3. The S.M.C. shall not consider any appeal for assistance pursuant to Rule 26 from any member whose total dues to the Union amount to twelve months' contributions or more.

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

Sub-Branch Appeals

5. Should any Sub-Branch appeal against the decision of the S.M.C. closing or suspending the functioning of a Sub-Branch the decision shall not take effect until the appeal is decided by the State Delegate Convention in meeting assembled or by postal vote of Convention delegates.

RULE 19

ELECTION OF STATE SECRETARY, ASSISTANT STATE SECRETARY, S.M.C. MEMBERS AND ORGANISERS:

(1) Any member of the Queensland Branch who is financial and who at the time of nomination has had not less than three years financial membership immediately prior to nomination may nominate for any of the positions named as the head of this rule. No member shall be a candidate for two or more offices that, if elected to, he would be unable to hold at the same time.

(2) The term of office for the above positions shall be four years and such term shall commence from the date the successful candidates are declared elected by the Returning Officer conducting the ballot.

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(3) A candidate for any of the above positions shall complete the nomination form which shall be available from the Returning Officer and Sub-Branches of the Union. The nomination form must be signed by the candidate and endorsed by two financial members who immediately prior to signing the nomination have had not less than 12 months financial membership.

(4) Nominations for the above positions shall open on the first day of October in the year in which the ballot is to be held and shall close at noon on the fourteenth day of October in that year. All Sub-Branches shall be notified by circular of the opening and closing date of nominations and shall be supplied with nomination forms prior to the opening date of nominations.

(5) If at the closing date for the nominations only sufficient nominations have been received to fill any vacancy or vacancies, the Returning Officer shall thereupon declare the person or persons so nominating elected.

(6) If more nominations are received than there are vacancies, the Returning Officer shall arrange for the names to be drawn in a Ballot in the presence of the State Executive and such names shall be placed on the Ballot Paper in the order in which they are so drawn.

(7) Within six days of the closure of nominations, the State Secretary shall provide the Returning Officer with a certified list of members entitled to vote in the election.

The members entitled to vote shall be those who in a year in which the above Ballot is conducted are financial to the month of September in that year.

The list of members entitled to vote shall be available at the office of the Branch and it may be perused by any Scrutineers or members entitled to vote in the said election. Notice of the availability of the list shall be published in the "Courier-Mail."

(8) The Returning Officer shall post to each member entitled to vote a Ballot Paper personally initialled by him, together with a printed Business Reply Envelope in which the Ballot Paper must be returned. The opening date of the Ballot shall be the first day of November and the closing date shall be Noon on the seventeenth day of November in the year in which the ballot is held.

(9) All Ballot Papers shall be returned to the Returning Officer C/- the Post Office Box named on the Business Reply Envelope. The Post Office Box to which the Ballot Papers are to be returned, shall be hired by the Returning Officer prior to the despatch of Ballot Papers or if the Box has been previously used by the Union he shall cause the lock to be changed.

The Returning Officer shall at all times, reasonable notice of which has been given to the Scrutineers, collect the returned Ballot Papers from the Post Office Box and deposit them in the Ballot Box. Such Ballot Box shall be kept at the Bank at which the Branch Account is held for the time being, and shall prior to the commencement of the Ballot be held by the Returning Officer and may be sealed by any Scrutineer.

On the conclusion of the Ballot the Ballot Box shall be picked up by the Returning Officer at a time, reasonable notice of which has been given to the Scrutineers, and taken to the Union's rooms and be opened in the presence of Scrutineers and the count shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the Ballot Box, to which any seals may be affixed by a Scrutineer.

(10) Two Scrutineers who are not candidates but who are members of the Union shall be appointed by the State Management Committee prior to the closing of nominations; they shall assist the Returning Officer in all stages of the Ballot, including the count.

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(11) Any candidate at his own expense may appoint a financial member of the Union to act as his Scrutineer. Any Scrutineer so appointed may be present at any stage of the Ballot, provided that the Returning Officer is also present.

(12) In the case of the State Secretary, and the Acting State Secretary, the candidate with the highest number of votes shall be declared elected.

In the case of the State Management Committee, the twelve candidates with the highest number of votes shall be declared elected.

In the case of State Organisers, the candidates up to the number required and with the highest number of votes shall be declared elected.

(13) In the case of an equality of votes for any two or more candidates, the Returning Officer shall determine by casting his vote which of the candidates is elected.

(14) The Returning Officer shall notify the State Management Committee of the result of the ballot in writing and the State Management Committee shall publish such result in its Minutes and the "Building Workers' Journal" and/or "Building Worker." He shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch Area.

The Returning Officer's Report to the State Management Committee shall contain all relevant information including the number of Ballot Papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(15) The successful candidates shall take up their respective duties immediately they are declared elected by the Returning Officer and they shall remain elected until their their successors take office.

(16) Should a vacancy occur in any of the above mentioned offices the State Management Committee shall fill the position by election for the remaining portion of the term within one month.

If the term remaining is more than 12 months an election shall be held in accordance with Rule 19 — this by way of postal ballot of all financial members — after nominations for the vacancy have been called in accordance with the foregoing rule.

Nominations for any vacancy shall be called through the Sub-Branches of the union and nominees shall fulfil the conditions laid down in Rule 19 (1) and Rule 19 (3).

(17) In any election the Returning Officer and Scrutineers shall do all things necessary to preserve the secrecy of the Ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the Ballot. They shall obey any directions given to them by the Returning Officer. If any Scrutineer or Scrutineers are not present at any stage or stages of the Ballot, the Returning Officer may proceed nonetheless.

(18) Any accidental or unavoidable omission or error in the carrying out or observance of the Rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

RULE 29

1. The S.M.C. shall not less than two months prior to the closing of nominations as prescribed in Rule 19, determine the numbers of organisers to be elected. They shall also determine the area of the State in which Organisers shall reside and operate.

The Organisers shall be under the control of the S.M.C. and shall when required, attend meetings of the S.M.C. They shall perform such organising duties as may be required and shall visit shops and jobs where members of the Union and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and Sub-Branch Secretaries, and carry out organisational work in any part of the State as directed by the S.M.C.

State Organisers may be elected and remain in office for a period of four years, provided that if the funds are insufficient to meet the half-yearly expenditure, their services may be temporarily dispensed with at the discretion of the S.M.C.

Provided that from the date of the 1979 elections the terms of office referred to above shall be three years.

The S.M.C. may appoint Temporary Organisers for a period not exceeding six (6) months, the duties of Organisers to be determined by the S.M.C.

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RULE 21

SHOP STEWARDS.

For the convenience of members, Shop or Job Stewards may be appointed by Sub-Branches within the district under their control.

Should any Shop or Job Steward be victimised, or be reasonably supposed to be victimised, from carrying out any duties in the Union, the S.M.C. shall take all necessary steps to see that the member is compensated for any loss he may incur.

RULE 22

Deleted 26/9/72

RULE 23

FUNERAL ALLOWANCE

1. The Union shall pay out of its funds a funeral allowance to the representative of deceased members who have been members for a period of twelve months. On the death of a member who does not owe more than one half-year's contributions, a sum of money in accordance with the appended scale of funeral allowances shall be paid to his widow, next of kin, or nominee, or whomsoever may, in the opinion of the Union, prove to have an equitable claim to it, provided that at the time of such member joining the Union he was not over fifty (50) years of age. Provided, however, that this provision shall not apply to any member who joined the Union prior to its amalgamation. In the event of a member dying, and there being no widow, next of kin, or nominee discovered to whom the Union may deem it just to pay the the funeral allowance, the Union shall defray the cost of decent interment of the remains of such a member, and should the circumstances of such a case induce the Union to inter the remains and a claimant to the funeral allowance afterwards arise and prove his or her claim, the Union shall deduct from the amount of such claim, all the expenses it may have been put to on account of the interment, and pay the balance, if any, to the claimant.

2. Scale of Funeral Allowances:— On the death of a financial member who has been a member of the Union for twelve (12) months, the funeral allowance shall be two dollars, fifty cents ($2.50), and shall increase at the rate of two dollars, fifty cents ($2.50) per annum, the maximum to be fifty dollars ($50).

RULE 24

SALARIES OF OFFICERS

The State Management Committee shall from time to time set down a scale of payments for Sub-Branch Secretaries, Sub-Branch Presidents, Vice-Presidents, Delegates, Money Stewards, Sick Stewards, Sub-Branch Committees, Returning Officers and Deputy Returning Officers, Scrutineers, and clerical assistance, provided that when such scale is determined, it shall be registered under the Trade Union Act and the Industrial Conciliation and Arbitration Act as part of the Rules of the Union.

RULE 25

OFFICERS' HOLIDAYS.

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

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RULE 26

CONTINGENT FUND

Banked by S.M.C.

1. All money collected for the Contingent Fund shall be forwarded by the Sub-Branch Secretaries to the S.M.C. each half-year, at the same time as the dues, under Rule 10, Clause 20, are remitted, and shall be banked by the S.M.C. in the name of the Union in a separate account.

How Used

2 The Contingent Fund shall be used for the purpose of relieving cases of distress amongst members that are recommended by the Sub-Branches to and approved of, by the S.M.C.; it may be used for assisting our own or any other trade.

Applications to S.M.C.

3 All applications for donations to members shall be on a schedule provided by the Union, and no donation shall be made unless such schedule is filled in by the Sub Branch Secretary and approved by the S.M.C.

4 Requests for donations for purposes other than the relief of members shall be forwarded to the S.M.C., and shall contain full particulars of the purpose of the proposed donation

Qualifications for Assistance

5. No member who has been less than three months in the Union shall be eligible for assistance from this fund, but in no case shall this fund be used for the payment of benefit to which a member is otherwise disentitled.

RULE 27

APPRENTICES:

1 Candidates for this section must be proposed in the Sub-Branch meeting by adult members of the Union; they shall pay the usual entrance fee; they must have worked at the trade twelve (12) months, and be not less than sixteen (16) years of age. On attaining the age of 21 years or on the completion of their apprenticeship, they shall be transferred to full membership.

RULE 28

ALTERATION TO RULES:

These Rules may be altered or deleted or additions made thereto by a majority of delegates to a State Delegate Convention held in accordance with Rule 10 (16) of these Rules provided that at least 28 days' notice to alter rules has been given by the State Management Committee and/or sub-branches to the State Delegate Convention before such Convention assembles.

Provided that a State Delegate Convention may alter rules of which previous notice has not been given subject to two-thirds of the delegates voting in favour of the alterations.

Provided further that alterations to rules of an urgent nature may be made by a postal ballot of Convention delegates to determine for or against the adoption of the alterations.

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RULE 29

REFERENDUM:

Upon request of a majority of Sub-Branches comprising twenty-five per cent of the membership requesting a referendum upon any matter, the S.M.C. shall immediately take a referendum of the whole membership and should any such referendum be carried by a majority of members voting by ballot, the same shall be binding upon members of the Branch.

RULE 30

DISSOLUTION:

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

RULE 31

STANDING ORDERS AND RULES OF DEBATE:

Call to Speak

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

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

Motions

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

Amendment

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

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

Question Be Now Put

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

Speak Only Once

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

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Time Limit

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

Reply

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

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

President's Right to Speak

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

Limit to Debate

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

Notice of Motion

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

Motion to Adjourn

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

Moving Dissent From Chairman's Ruling

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

How Put

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

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

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

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

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

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THIS IS THE ORDER OF BUSINESS AT YOUR UNION'S MEETINGS

- President declares the meeting open for business.
- Minutes of previous meeting are read and adopted.
- New members are admitted.
- Minutes of the Sub-Branch Committee are read.
- Correspondence read and discussed.
- Auditor's Report.
- Reports of Delegates.
- Secretary's Cash Account.
- Election of branch and other officers.
- Adjourned business — New business.
- Adjournment.

Address to be delivered by Sub-Branch President to members on admission.

"I have the pleasure to inform you that you have been admitted a member of the Building Workers' Industrial Union of Australia, Amalgamated Society of Carpenters and Joiners and Bricklayers of Australasia. Now that you have joined with us I trust that you will use your best endeavours to advance the interests of the industry you are engaged in, and may you long be spared to be a useful and militant member of this Society, with honour to yourself and justice to your fellow workers. Brother, I welcome you."

Published by the Old Building Workers' Industrial Union
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00426

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APPENDIX 1

PARTICULARS ON FORM AS PRESCRIBED BY RULE 3

(Surname) (Christian Name)

Write plainly, and write surname in BLOCK type.

BUILDING WORKERS' INDUSTRIAL UNION OF AUSTRALIA
Amalgamated Society of Carpenters and Joiners and Bricklayers of Australasia

PROPOSITION AND ADMISSION FORM

. . . . Sub-Branch

I, the undersigned, aged . years, of .

. . . . . In the State of . .

on the . . . . . day of . . 19 , do hereby agree to become a member of the Building Workers' Industrial Union of Australia (Amalgamated Society of Carpenters and Joiners and Bricklayers of Australasia) and agree to conform to the Laws and Rules of the said Union.

Signed

The Abovenamed was admitted as a member of the said Union on the

. day of . . . 19 .

Proposed by . President

Proposed by . . . . Secretary

(See Over)

(DO NOT FOLD OR CREASE THIS CARD)

(Reverse side of Proposition and Admission Form)—

HISTORY

1. Have you previously been a member of the A.S.C.J.B or B.W.I.U.?

State Particulars

Are you a member of any other Industrial Union?

State Particulars . . . . . .

Apprentices State Date— * Completed Trade.
* Entered Trade
* Strike out which is not applicable.

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• RULES

Building Workers' Industrial Union of Australia

Queensland Branch

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UNION OF EMPLOYEES, Queensland Branch
Construction House, 130 Petrie Terrace, Brisbane.

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BUILDING WORKERS' INDUSTRIAL UNION OF AUSTRALIA

QUEENSLAND BRANCH

REGISTERED RULES

REPRINTED APRIL, 1983

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AMALGAMATED SOCIETY OF CARPENTERS AND JOINERS AND BRICKLAYERS OF AUSTRALASIA
Union of Employees - Queensland Branch

RULES

RULE 1
NAME AND CONSTITUTION

(1) The name shall be the Amalgamated Society of Carpenters and Joiners and Bricklayers of Australasia, Queensland Branch, (hereinafter referred to in these Rules as the Branch).

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

(2) The seal of the Branch shall be oval in shape inscribed in the outer edge the words "Amalgamated Society of Carpenters and Joiners and Bricklayers of Australasia" and it shall have on the inner space the words "Queensland State Management Committee".

RULE 2
OBJECTS

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

2. To regulate the conditions under which all members of the Union may be employed.

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3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or Association, or Associations of Trade Unions, or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Sub-branches or Sections of the Union throughout the State.

7. To further any scheme that has for its objects the establishment of Labour Research and Information Bureaux, and to assist in the establishment and maintenance of Labour and Trade Union newspapers and wireless broadcasting stations, and to invest in shares in such newspapers and radio stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide Labour or Trade Union Organisation or Association.

10. To establish and manage a Union Journal.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union; such levy to be no more than $5 in any one half year with the amount of same to be determined by the State Management Committee.

14. To render legal and other assistance to members for the recovery of wages or compensation for injuries, to protect the interests of the trade in all its Branches, and to assist other trades by any legal method.

15. To obtain such other objects as may from time to time be determined in accordance with these rules.

16. To organise the education of members.

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RULE 3
ENTRANCE FEE

1. The Entrance Fee shall be $4 or any other sum, as the Sub-branch or State Management Committee may decide, but not more than $12.

MEMBERSHIP

2. Application for membership shall be on the form provided, signed by the applicant and two financial members, who shall first satisfy themselves that the applicant is a fit and proper person to enter the Union.

All applicants for membership in the Union if residing within a three mile radius of the Sub-branch where they apply, must, unless a satisfactory reason is given, attend the Meeting at which their application is considered.

3. All applications for membership shall be lodged together with the amount of Entrance Fee with the Sub-Branch Secretary, or such other person authorised by the S.M.C. Applications for membership shall be dealt with by the Sub-Branch or the S.M.C., who shall, if satisfied that the applicant qualifies in terms of the rules, admit him to membership of the Sub-Branch as from the date of the receipt of his application form by the Sub-Branch Secretary, or other duly authorised person. The form of application for membership shall be as shown in Appendix 1 to these Rules.

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

5. Applicants for membership shall be of good character and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the union.

6. Any applicant who is a fully-paid up member of another Union, and who had previously been transferred from this Union to another Union, may be re-admitted on Clearance without Entrance Fee. Any member entering this Union on Clearance from another Union, shall qualify for Benefits according to Rules.

7. Applicants shall, if possible, attend the next meeting of the Sub-branch to which he makes application. Failure to attend shall not necessarily exempt the Candidate from election to membership.

8. Applicants for admission to the Union and members entering the Union on Clearance, shall join the Sub-branch nearest to which they reside.

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9. All members shall be supplied with a copy of the Rules free of charge, but any member requiring a second copy shall be charged two cents (2c)

RULE 4
CONTRIBUTIONS

1. Except for members employed by the Queensland Government Railways and members employed in joinery establishments, contributions shall be calculated as follows:-

.85 per centum of the National Building Trades Construction Award weekly base rate for a carpenter multiplied by twenty-six (26).

The rate of contributions shall be determined by the State Executive on June 30 and December 31 of each year and shall apply for the following half-yearly period commencing 1st April and the 1st October respectively and shall be payable in advance.

Contributions for members employed by the Queensland Government Railways and in joinery establishments shall not exceed the above and shall be determined by the State Management Committee.

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

10c of each half-yearly contribution shall be retained by a Sub-Branch as a Benefit Fund which shall be governed by uniform rates drawn up by the State Management Committee.

10c of each half-yearly contribution shall be paid into the Contingent Fund and be forwarded to and used by the State Management Committee in the manner laid down in Rule 26.

Each of the above Funds shall be audited and a copy of the Statement of Half-Yearly Receipts and Expenditure shall be forwarded to State Office.

Apprentices' Contributions and Entrance Fee

2. Deleted.

Exemption from Contributions

3. Sub-branch Committees may grant exemption from Contributions to members who have been unemployed for more than Eighteen Weeks during any half year. Application for exemption must be made in writing with proof of unemployment being submitted.

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Aged and Infirm Members

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

When Unfinancial

5. Any member who fails to pay his half-year contributions in advance on or before March 31 for the half-year March-September or September 30 for the half-year September-March shall be deemed to be unfinancial.

Entrance between Half-Year Nights

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

Recovery of Arrears

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

Resignation of Members

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

(a) Notice of resignation shall be addressed to the Branch Secretary or such other officer as may be provided for in Branch rules and delivered to that officer personally or at the Branch office or such other office as is provided for in Branch rules or by post to such offices.

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

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

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

10. Deleted 18/5/79.

Funds the Property of the Members Generally

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

RULE 5
REMOVAL OF OFFICERS

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

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

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

Should there be no appeal within the prescribed time, and/or the officer's appeal be rejected, the State Management Committee shall have power to dismiss the officer concerned; and, in the event of any officer being removed from office, an election must be held within one month of such removal from office in accordance with Rule 19.

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RULE 6
BANKING AND EXPENDITURE OF FUNDS

1. All moneys of the Union in Queensland shall be banked by the State and Sub-branch Officers in the Commonwealth Bank of Australia, or such other Bank as the S.M.C. may decide.

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

RULE 7
AUDIT OF ACCOUNTS

The S.M.C. shall appoint annually a competent person as its auditor who shall have full and complete access to all the books and documents of the Branch. Such person shall audit annually the accounts of the Branch and of the Capital City Sub-branch. The accounts of the other Sub-branches shall be audited half-yearly in the manner provided in Rule 12, Clause 16.

A competent person, within the meaning of this Rule, shall be a person, other than a member of the organisation or branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of Public Accountants or a person who is licensed or registered as an Auditor under the law of a State or Territory of the Commonwealth relating to Companies.

RULE 8
REGISTERED OFFICE

The Registered Office of the Union in Queensland shall be at Construction House, 130 Petrie Terrace, Brisbane.

RULE 9
REGISTER OF MEMBERS

A register of members in the State shall be kept in the Registered Office.

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

RULE 10
STATE MANAGEMENT COMMITTEE

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

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Composition of State Management Committee

2. The State Management Committee shall consist of twelve (12) members, including the State Secretary and the State Assistant Secretary, all of whom shall be elected in accordance with the provisions of Rule 19.

The S.M.C. shall meet at Construction House, 130 Petrie Terrace, Brisbane or such other place as may be decided for the purpose of controlling the business of the Branch.

Any eight (8) members of the S.M.C. shall constitute a quorum.

The S.M.C. shall elect from its members a State President and a State Vice President; any nominee for these positions must have had one years financial membership.

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

Duties of the State President

3. (i) The State President shall preside at all meetings of the S.M.C., State Delegate or Special Convention and at meetings convened by the State Convention or S.M.C. He shall have a deliberative vote only. The State Vice-President shall take the chair in the absence of the State President.

(ii) He shall carry out such duties as may be assigned to him from time to time by the S.M.C. and by the State Secretary acting on their behalf.

(iii) He shall conduct the business in accordance with the standing orders and rules of debate.

(iv) He shall, upon the minutes being confirmed, sign the minute book in the presence of the meeting, and he shall have the meeting, by resolution, endorse or reject all accounts submitted for payment.

S.M.C. and Executive

4. The State Management Committee shall meet not less than three times each year provided that a special meeting of the S.M.C. may be called on a written requisition addressed to the State Secretary signed by five members of the S.M.C.

The S.M.C. shall elect from its members an Executive of not less than six members including the State Secretary and State Assistant Secretary to control the affairs of the Union in Queensland between meetings of the S.M.C. Such Executive shall be subject to the control of the S.M.C. and the minutes of each Executive meeting shall be immediately forwarded to each member of the S.M.C. and all sub-branches. The Executive shall meet not less than monthly.

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5. All Branch Officers shall be elected and remain in office for a period of four (4) years as from the branch elections in 1979.

Delegation Approval

6. No Sub-branch shall have the power to delegate any member on Union business for any period above one week in any half-year without first obtaining the approval of the State Committee. Any infringement of this Rule by any member or Sub-branch shall be deemed misconduct, and members or Sub-branches infringing this Rule may be fined by the S.M.C. any sum not exceeding $20. This Rule shall not affect the Rule allowing 10 per cent of the Sub-branch Income to be used for local organising.

Interpretation of Rules

7. The S.M.C. shall interpret all Rules requiring interpretation.

Legal Proceedings

8. The trustees of the Union after being authorized by the S.M.C. shall be empowered to take legal proceedings for recovery of arrears of contributions and fines, breaches of Awards and recovery of Accident compensation.

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

Control and Suspension of Members

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

11. The S.M.C. shall immediately notify the Sub-Branch to which the member belongs of its decision.

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

Transfer of Members

12. They shall have power at the request of a member to order the transfer of any member from any Sub-branch under their jurisdiction, to any other Sub-branch in Queensland, when, in the opinion of the S.M.C. such transfer is necessary to enable the member concerned properly to participate in the affairs of the Branch.

13. They shall have power to grant donations from the Contingent Fund when application has been made in accordance with the provisions of Rule 26.

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Aggregate Meetings

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

The S.M.C. shall have power to establish or disband Sub-Branches of fifty or more members on a locality basis and of less than fifty members on an industry basis if, in the opinion of the S.M.C., the members' industrial interests warrant the formation or disbandment of a Sub-Branch.

Delegates' Meeting

15. Whenever it is necessary to obtain the opinion of members in any district with five hundred (500) members and upwards, it may be done by special Summoned Meetings of the Sub-branches in such district, when delegates shall be elected from each Sub-branch in proportion to the Sub-branch membership in accordance with the following scale: Under 100 members, one delegate; 100 and under 250 members, two delegates; 250 and upwards, three delegates; who shall be paid according to Rule 24.

Delegate Convention

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

The method of financing such Convention and the number of delegates that Sub-branches and jobs may elect to attend such Convention, shall be determined by the S.M.C. from time to time.

A member nominating as a delegate to the State Delegate Convention must be financial at the time nominations are called.

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

The State Delegate Convention may recommend to the S.M.C. proposals for rule and policy changes.

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Special Auditors

17. The S.M.C. may at any time appoint two Auditors to audit the books of any Sub-branch or direct that the books be forwarded to the State Office for audit.

Organisers

18. The State Committee shall determine the number of organisers in accordance with Rule 20 and may, if the funds are sufficient, appoint additional organisers.

They shall have control over the organisers, and shall have power to call on the Capital City Sub-Branch Secretary to perform any duty that may arise which does not interfere with his duties as Sub-branch Secretary.

19. In districts where an Organiser-Secretary has been appointed or elected, he shall be under the control of the Sub-branch he visits for organising purposes only for the period allotted by this District Committee.

S.M.C. Finance and Contingent Fund

20. The S.M.C. shall have control of the property in their State and, in addition to the provision of Rule 4, Clause 11, shall draw from each Sub-branch, Job Stewards and Organisers the total contributions, entrance fees and fine collected.

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

The State Management Committee may disperse monies for the purpose set out in the objects of the Union, and such funds may be invested from time to time in such manner as may be determined by the State Management Committee. No donation exceeding $200 shall be made from the Contingent Fund without the sanction of a majority of the Sub-branches in Queensland.

Affiliation

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

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

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Interviewing Management on Disputes

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

Trustees

24. The S.M.C. shall elect from among their members three trustees, any two with the State Secretary, or in the latter's absence, the State Assistant Secretary to operate.

The property and finances of the Branch shall be vested in the names of the three trustees.

The funds of the Branch shall be banked in the manner prescribed in Rule 6

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

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

Returning Officer and Scrutineers

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

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

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

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Election of Delegates

The State Management Committee shall also elect delegates to the A.C.T.U. Congress, the Trades and Labour Council, the Queensland Building Trades Group and other such bodies.

Elections by S.M.C.

25.(a) In any election by the S.M.C. the following procedure shall be observed:

(b) If all S.M.C. members are in attendance at the S.M.C. meeting at which the election is to be held, viz. in the case of the Branch Vice-President and the Trustees during the month of January following the quadrennial elections, and in the case of other positions as may be determined by the S.M.C., nominations shall be called and a ballot shall be held.

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

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

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

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

(f) Voting shall close one hour after the commencement of the meeting or at such times as all S.M.C. members have voted.

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(g) The Returning Officer shall thereupon open the ballot box and in the presence of the S.M.C. members who desire to be present, proceed to count the ballot. The candidate or candidates up to the number required receiving the highest number of votes shall be declared elected.

(h) In the case of an equality of votes for any two or more candidates, the Returning Officer shall determine by casting his vote which of the candidates is elected.

(i) The Returning Officer shall notify the S.M.C. of the result of the ballot and the S.M.C. shall publish same in the S.M.C. Minutes.

(j) Should a vacancy occur in any of the above positions, the S.M.C. may fill the position within one month, but if the term remaining is more than twelve (12) months, and the S.M.C. desires to fill the position, an election shall be held to fill the vacancy. In any such election, provisions of this rule shall apply with any necessary modifications.

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

(l) In such election the Returning Officer shall immediately post to each S.M.C. member a properly initialled ballot paper on which no other distinguishing mark appears together with a business reply or stamped envelope for the return of same to the Post Office Box marked on the envelope.

(m) On the morning of the eighth day following the despatch of the ballot papers by the Returning Office, the Returning Officer and the scrutineers appointed by the S.M.C. shall collect the ballot papers from the Post Office Box and then proceed to the Union Office where they shall count the ballot. The candidate or candidates up to the number required receiving the highest number of votes shall be declared elected.

(n) The Returning Officer shall notify the S.M.C. of the result of the ballot and the S.M.C. shall publish same in the S.M.C. Minutes.

(o) The S.M.C. shall appoint one of its members who is not a candidate as scrutineer and any candidate may appoint any member of the Branch to act as scrutineer on his behalf. Any scrutineer shall be entitled to be present at and to observe all stages of the ballot

(p) Any accidental or unavoidable omission or error in the carrying out or observance of this Rule shall not invalidate the election if such omission or error appears not to have affected the result of an election.

(q) In any election the Returning Officer and scrutineers shall conduct themselves in a sober, proper and impartial manner and do all things necessary to preserve the secrecy of the ballot.

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

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

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

RULE 11
DUTIES OF SECRETARY OF THE STATE MANAGEMENT COMMITTEE - CONTROLLED BY S.M.C.

1. He shall be under the control of the S.M.C. and shall devote the whole of his working time to the business of the Union.

He shall be the registered (State) Officer to sue or be sued on behalf of the Union in his State in regard to any legal matter within the State in which his S.M.C. has jurisdiction.

He shall keep a correct record of the members in his State and shall, when instructed by the S.M.C. sue for the recovery of arrears of contributions or other monies due to the Union by the members in his State.

The State Secretary shall keep or cause to be kept proper books of accounts showing the receipts and expenditure of the Branch, and separate accounts of receipts from all Sub-branches, and also correct records of all monies received or paid on account of any particular fund, and separate accounts of all management expenses and of all contributions on account thereof, as required by the Queensland Trade Union Act of 1915 and amendments thereof.

The State Secretary shall endorse all vouchers for payment certifying to their correctness, and shall prepare a balance sheet in accordance with Rule 11 (2).

The State Secretary shall submit to each meeting of the State Management Committee an interim statement of receipts and payments made up to the end of the week preceeding the meeting.

The State Secretary shall be an elected delegate to National Conference by virtue of his office.

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2. He shall attend to all Wages Board, Arbitration Court, and other legal matters coming within the jurisdiction of the S.M.C. He shall keep all books and documents necessary to a proper working of the office of the S.M.C. He shall prepare a half-yearly report and also a yearly balance sheet showing the income and expenditure for that term and upon the same being audited and adopted by the S.M.C., he shall send a copy to the Sub-branches over which the S.M.C. has jurisdiction.

He shall prepare and forward to the Registrar of Trade Unions all returns required by law.

Neglect of Duty

3. Should he fail to carry out his duties to the satisfaction of the S.M.C. he may be dealt with by such committee in the manner prescribed in Rule 5.

Resignation or Removal

4. In the event of his desiring to resign, he shall give at least one month's notice or be fined ten dollars ($10). Upon resigning or being removed from office, according to Rule 5, he shall, within seven (7) days, deliver, up to whatever person the S.M.C. may appoint, all books, documents and other property of the Union then in his possession. Before the books are handed over to his successor in office they shall be audited.

RULE 11A
DUTIES OF ASSISTANT STATE SECRETARY

The Assistant State Secretary shall work under the direction of the State Management Committee and the State Secretary. He shall assist the State Secretary in the carrying out of the duties set out in Rule 11 and shall act as the Acting State Secretary in the absence of the State Secretary. He shall be subject to Clause 3 and 4 of Rule 11.

The State Secretary or the Assistant State Secretary shall act as the Secretary of the Brisbane Sub-Branch

RULE 11B
BRANCH DELEGATES TO NATIONAL CONFERENCE

Branch delegates to the National Conference shall be elected in the same manner and time as other branch officers as in Rule 19.

Branch delegates to the National Conference shall vote as determined by the S.M.C. on any matter that the S.M.C. have decided upon. Where the S.M.C. has not decided on any matter, the delegate is free to determine his vote.

RULE 12
POWERS AND DUTIES OF SUB-BRANCHES

1. For the convenience of members, Sub-Branches may be opened in any town in the State. No Sub-Branch shall be opened without the consent of the S.M.C. Each Sub-Branch shall have power to elect its own officers and with the consent of the S.M.C. generally control its own business.

When Disbanding

2. In no case shall any Sub-branch close or disband without the authority of the S.M.C. in which case all cash or other property shall be handed over to the S.M.C.

Visiting Members

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

Clearances

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

5. No Sub-branch shall hold its meetings in licensed premises where alcohol is sold.

6. Sub-branches shall accept a transfer for any member, and issue a transfer for any member who applies for same, subject to the provisions of Rule 15, Clauses 2 and 3, and all arears of contributions shown on the clearance card sent from a Sub-branch in one State to a Sub-branch in another State shall be collected and retained by the Sub-branch to which the members have been transferred.

7. Each Sub-branch may obtain a room and a safe and/or steel cabinet and office equipment for the safe keeping of Union property provided the S.M.C. is advised of the cost of such facilities and has approved whatever payment is necessary to secure such facilities.

Interpretation of Rules

8. Should any Rules require interpretation, or not be clearly defined, they shall be sent to the S.M.C. for their decision. All such decisions shall be inserted in the minute book of the Sub-branch.

Resolutions to S.M.C.

9. Resolutions to the S.M.C. shall be submitted in writing to the Sub-Branch President and the number of members present, and the numbers of votes for and against such resolution, shall be stated when the resolutions are sent to the S.M.C

Correspondence Confidential

10. All communications or copies of correspondence from the S.M.C. shall remain the property of the Union and information relating to the same shall not be divulged to any outside body or bodies without first obtaining the sanction of the S.M.C.

Sub-Branches Allowed

11. In all country towns there shall be only one Sub-branch. Each capital city shall have only one Sub-branch, and no other sub-branch shall operate within a radius of five miles of the meeting place of the City Sub-branch except with the consent of the S.M.C.

Sub-Branch Officers

12. Sub-branches shall elect the Sub-branch Committee. Sub-branch Committee shall consist of President, Vice-President and Secretary and six committee men, one of whom may be an apprentice. Sub-branches with more than 100 members may also elect a Money Steward and Door Keeper. The Sub-branch Secretary may appoint Sick Stewards as they are required.

13. Any member neglecting the duties for which he is elected, shall, unless a satisfactory apology is furnished, be fined by his Sub-branch or S.M.C. any amount not exceeding ten dollars ($10).

Meetings: When Held

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

15. The Books of each Sub-branch shall be sent each half-year to the State Office for audit.

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

17. Any member residing within a three miles' radius of the meeting place of the Sub-branch who fails to attend a Summoned Meeting shall be fined a sum not exceeding 30c, unless a satisfactory excuse is tendered.

18. The Sub-branch President and Secretary may and on requisition signed by ten per cent of the members of the Sub-branch shall call a special meeting of the Sub-branch. No business shall be transacted at such a meeting other than the business set out in the requisition or in the notice calling the meeting.

19. Sub-branch By-laws shall be registered under "The Trade Union Act of 1915". The precise location of all meetings at which the business of the Sub-branch shall be conducted shall be published six months in advance in the notice published half-yearly for that purpose. Copy of each such half-yearly notice shall be filed forthwith with the Trade Union Registrar.

RULE 13

DUTIES OF SUB-BRANCH OFFICERS AND COMMITTEES

DUTIES OF SUB-BRANCH OFFICERS AND COMMITTEES

(a) Sub-Branch President

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

Bank Book; Countersign Orders for Payments; Branch Resolutions

2. He shall sign the Sub-branch minutes of the previous meeting, after they have been confirmed by the Sub-branch. He shall examine the Sub-branch bank book each meeting night (when such book is not held by the bank) and report to the Sub-branch the result of each banking transaction, the record to be inserted in the Minute Book. He shall countersign all orders for payment of money authorised by the Sub-branch, and all orders for remittances to the S.M.C. when requested to do so by the State Secretary, and for capitation fees due to the S.M.C. under Rule 10, Clause 20. He shall also cause to be recorded in the Minute Book the number voting for and against all suggestions for alteration of Rules, or resolutions intended for the S.M.C. and the numbers present when the vote is taken.

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(b) Sub-branch Secretary

Correspondence; Keep Account of Income and Expenditure

1. The Sub-branch Secretary shall attend all meetings of the Sub-branch or Committee. He shall conduct all correspondence and take the minutes of Committee meetings. He shall be responsible for the collecting of contributions, fines, and other money due to the Union by members of his Sub-branch.

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

Balance Sheets

2. He shall prepare, in duplicate, a half-yearly balance sheet and report, setting out all income and expenditure incurred during the period covered by such balance sheet, one copy to be forwarded to the S.M.C. within seven days after the half-yearly meeting. He shall close his books immediately after the first meeting night in June and December and the contributions for the next ensuing half-year shall be due and payable on the second meeting in the months of March and September. He shall give every facility to the Auditors to examine all books and papers in connection with the Sub-branch. He shall read out to the Sub-branch a fortnightly cash account. He shall be the custodian of the official stamp of the Sub-branch, and be ex-officio member of all sub-committees, but shall not have a vote on any matter in which he is personally or financially interested.

Half-Yearly Summons

3. He shall supply all necessary advice to the State Office to enable it to advise the Sub-branch members of the time, place and date of the half-year meeting, which shall be in March and September of each year and the second meeting of the month where fortnightly meetings are held and the State Secretary shall forthwith notify all Sub-branch members thereof. He shall supply all details to the State Office to enable it to advise members in arrears. Special meetings of the Sub-branch may be called as decided by the Sub-branch. He shall perform all clerical and other duties appertaining to the position of the Secretary.

All Sub-branch meetings called in accordance with this sub-clause shall be held at the place fixed by Rule 12 (20) for conduct of the business of the Sub-branch.

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Suspended Members

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

5. He shall accept all clearances (that are permitted) from other Unions, also transfers from other Sub-branches or other States, and shall issue transfers for any members applying for same. He shall also transfer all members who do not comply with Rule 15, Clause 2, to the Sub-branches nearest to which they reside.

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

Pay Benefits

6. He shall pay all benefits according to Rules 22 and 23, and he may be made to refund all expenditure that is made contrary to the provisions of these Rules.

Resignation or Removal

7. In the event of resigning he shall give one month's notice, or be fined $1, except in the case of illness or removal from the town.

On his resignation or being removed from office, or on demand of the S.M.C., or whomsoever they may authorise, he shall, within seven days, deliver up all books, documents and property of the said Sub-branch to the S.M.C. or Trustee. Before the books are handed over to his successor in office they shall be audited.

Neglect of Duty

8. Should he fail to carry out any of his duties to the satisfaction of the Sub-branch, it shall, upon the matter being reported, refer it to the Sub-branch Committee, who shall investigate it and report to a subsequent meeting, which shall have power to deal with him according to the provisions of Rule 12, Clause 14.

(c) Vice-President

He shall record the minutes of all Sub-branch and special meetings and shall preside over meetings in the absence of the Sub-branch President.

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(d) Doorkeeper

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

(e) Sub-branch Finances

The funds of each Sub-branch shall be banked as provided in the Rules.

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

(f) Sub-branch Committee

In every Sub-branch there shall be a Committee elected in accordance with Rule 12 (12) who shall meet when required on being summoned by the Sub-branch Secretary, three to form a quorum. The President shall have a casting vote only, and the Secretary shall have no vote. The minutes of the proceedings shall be signed by the Chairman at the close of each meeting, and submitted to the next Sub-branch Meeting for confirmation or otherwise. If necessary they shall examine and determine claims for lost tools. In the event of a member being charged with acting contrary to the policy of the Union the Sub-branch Committee shall have power to refuse payment of any benefit to such member until the charge has been investigated by the S.M.C. and its decision conveyed to the Sub-branch. They shall hear and decide all cases of appeal from a member against an officer of the Sub-branch. Any member of a Sub-branch Committee who is absent without reasonable excuse from three consecutive meetings shall be deemed to have vacated his seat, and the Sub-branch shall fill the vacancy. The Committee shall meet at least once per half-year for the purpose of drawing up an Agenda and making a report of the half-year's work for the half-yearly meeting of the Sub-branch.

(g) Sick Stewards

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

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(h) Returning Officers and Scrutineers

1. The Sub-branch Returning Officer shall be responsible for the conduct of Sub-branch elections. He shall procure all ballot papers, initial same, and issue to the member entitled to vote. He shall, if necessary, have a casting as well as a primary vote.

2. All ballot papers must be returned by 9 p.m. on meeting night and counted as soon as possible in the presence of two scrutineers. The result to be declared immediately count is complete. The candidate or candidates up to the number required receiving the highest number of votes shall be elected.

3. Scrutineers shall attend all meetings at which elections are being conducted, and assist the Sub-branch Returning Officer in all matters connected with the elections.

(i) Money Stewards

The Money Stewards shall attend the half-yearly Sub-branch Meetings punctually at the time of commencing of business, and shall take money and issue receipts to members.

RULE 14
ELECTION OF SUB-BRANCH OFFICERS

1. The election of all Sub-branch Officers shall be held on the yearly meeting nights in March, which shall be by ballot of all members present at the meeting; no distinguishing figure or mark to be on ballot papers, same to be initialled by the Returning Officer.

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

3. Candidates for office shall be financial members of 12 months' standing in the State and shall be proposed and seconded by two financial members. Nomination shall be accepted on the meeting night prior to the date of election; failing nominations for any office on the night prior to the elections, nominations for such office may be accepted at the meeting on the night of election. All candidates shall give consent in writing or be present at the meeting when nominated.

RULE 15
DUTIES OF MEMBERS

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

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

3. Members changing their residence and not informing the Sub-branch Secretary in writing within three months of such change of address, unless a satisfactory reason is given, shall be fined not more than 25c.

RULE 16
MISCONDUCT OF MEMBERS

(a) Subject to Rule 5, any member knowingly violating any registered rule of the Union may be fined a sum not exceeding $4 by the Sub-branch. Should, however, the matter be referred to the State Management Committee, they shall have power to fine the member an amount not exceeding $10, expel him from membership or suspend him from benefit for a period of not more than six months for such an offence.

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

(c) It shall be competent for the State Management Committee to inflict a fine not exceeding $10, suspend from benefit for a period not exceeding three years, or expel from the Union a member upon satisfactory proof that such member has refused to comply with its decision.

(d) Charges under these Rules shall be made in writing within one month of the discovery of the incident to which it refers, to the Sub-branch or State Management Committee. The member so charged shall be summoned to attend a meeting of Sub-branch Committee or State Executive, or State Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be sufficient if posted to his last known place of abode not less than five days, or in the case of a member whose last known place of abode is situated more than 100 miles from Brisbane, not less than ten days before the date of such meeting.

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

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A member may, if he desires, make his answer to the charges in writing.

(e) Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with by the State Management Committee provided that the maximum fine that may be imposed shall not exceed $10.

(f) Any member, members, or persons who by false representations or imposition, obtain possession of money, securities, books, papers or other effects of the Union or having same in their possession withhold or misapply them shall render themselves liable to be summonsed before a Court of Summary jurisdiction.

RULE 17
PAYMENT AND RECOVERY OF FINES

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

RULE 18
APPEALS OF MEMBERS AND SUB-BRANCHES AND S.M.C.

Right of Appeal

1. Any member finding himself aggrieved against the actions or decisions of the officers or members of the Union may, in the case of any grievance, appeal to his Sub-branch for redress, and, if still aggrieved, he may further appeal to the S.M.C. within one month, whose decisions shall be final and such decision must be conveyed to those concerned.

Not to Furnish Other Evidence

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

When Not Considered

3. The S.M.C. shall not consider any appeal for assistance pursuant to Rule 26 from any member whose total dues to the Union amount to twelve months' contributions or more.

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

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RULE 19
ELECTION OF STATE SECRETARY, ASSISTANT STATE SECRETARY, S.M.C. MEMBERS' ORGANISERS AND BRANCH DELEGATES TO NATIONAL CONFERENCE

Branch Elections

1. Any member of the Branch who is financial as provided for in subclause (14) of this Rule, at the time of nominations, and has financial membership of the Branch in accordance with the scale set out at the end of this sub-rule, may nominate for such positions according to this scale. Provided that no member who has reached the age of sixty-five (65) years may nominate for a full time position.

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

Branch Secretary Assistant Branch Secretary Branch Delegate to National Conference	Three years financial membership
State Executive Members District Secretary/Organiser Organisers	One years financial membership
State Committee Members	Financial Membership.

2. The term of office for the above positions shall be four years and such term shall commence from the date the successful candidates are declared elected by the Returning Officer conducting the ballot.

3. Nominations for the above positions shall be called by the Returning Officer by notification in the union journal or in one daily newspaper circulating in the capital city and in each Sub-Branch or district area on or before the last day of August of every fourth (4th) year commencing as on and from the last day of August 1979.

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

Provided that such advertisement shall clearly indicate that the National Executive members and full time National Officers are elected by and from delegates to National Conference and not otherwise.

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4. Any member desiring to nominate for the above positions shall apply either personally or in writing to the Returning Officer for a nomination form. Such forms shall be signed by the candidate and by two financial members and forwarded by registered post to the Branch Returning Officer or handed personally at the Branch Office of the union and a receipt thereupon obtained.

5. Nominations shall be closed at 4 p.m. on the last Friday of September 1979 and each four (4) years thereafter following that date. Nominations must be received by the Returning Officer by that time on that date to be eligible.

6. Candidates may include with their nomination form a statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement.

7. The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give him the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

8. If at the closing date for nominations only sufficient nominations have been received by the Returning Officer to fill any vacancy or vacancies the Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Executive and candidates by submitting a Returning Officers report to the Branch Secretary.

9. If all nominations are received and there are more nominations than there are vacancies the Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

10. The Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

11. Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

12. Where a ballot is required, the Secretary of the Branch concerned shall provide, within twenty-eight (28) days of the closing of nominations, a certified list of financial members entitled to vote to the Branch Returning Officer.

13. The Returning Officer shall on a date which will enable the ballot paper to be posted not later than fourteen (14) clear days before the closing date of the ballot, send by pre-paid post to each member eligible to vote in the election an envelope addressed to such member at his address appearing on the list of members eligible to vote supplied to the Returning Officer by the Branch Secretary, and that envelope shall contain only the following documents:

(a) a ballot paper initialled by the Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

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

(c) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Returning Officer may consider necessary;

(d) the candidates statement provided for and in accordance with Rule 19 (6).

14. For the purpose of the election the books of the Branches shall be deemed to have closed as at 31st August preceeding the election. Only members who are shown in the records at the office of the Branch as having paid all contributions, levies and fines fourteen (14) clear days prior to the 31st day of August shall be entitled to vote.

Provided that any member who at any time prior to the closing of the ballot satisfied the Returning Officer that he has paid all contributions, levies and fines prior to the 31st day of August preceeding the election shall be entitled to receive a ballot paper and the Returning Officer shall send by pre-paid post a ballot paper in accordance with Rule 19 (13).

15. The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the Union, he shall cause the lock to be changed.

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

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

18. Any candidate at his own expense, may appoint a financial member of the union to act as his Scrutineer by notification in writing to the Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.

19. The Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

20. In the case of an equality of votes for any two or more candidates the Returning Officer shall determine by casting his vote which of the candidates is elected, provided that where an electoral officer is the Returning Officer he shall determine his casting vote by casting lots.

21. The Returning Officer shall declare the successful candidates elected and notify the Executive of the result of the ballot and the Executive shall issue instructions for the publication of same in their minutes and in the Building Worker. He shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area.

The Returning Officer's Report to the State Management Committee shall contain all relevant information including the number of Ballot Papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

22. The successful candidates shall remain elected until their successors take up office.

23. Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

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24. In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless

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

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

Preferential Voting

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

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

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RULE 20
ORGANISERS

1. The S.M.C. shall not less than two months prior to the closing of nominations as prescribed in Rule 19, determine the number of organisers to be elected. They shall also determine the area of the State in which Organisers shall reside and operate.

The Organisers shall be under the control of the S.M.C. They shall perform such organising duties as may be required and shall visit shops and jobs where members of the Union and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and Sub-branch Secretaries, and carry out organisational work in any part of the State as directed by the S.M.C.

State Organisers may be elected and remain in office for a period of four years, provided that if the funds are insufficient to meet the half-yearly expenditure, their services may be dispensed with at the discretion of the S.M.C.

The S.M.C. may appoint Temporary Organisers for a period not exceeding six (6) months; the duties of Organisers to be determined by the S.M.C.

2. Any Sub-branch may, subject to the consent of the S.M.C., appoint a local Organiser for a period of not exceeding six months. An amount equal to 10 per cent of the previous half-year's income may be used for this purpose. This amount may be subsidised by the S.M.C. on application by the Sub-branch.

RULE 21
JOB REPS

For the convenience of members, Shop or Job Reps may be appointed by Sub-branches within the district under their control.

Should any Shop or Job Rep be victimised, or be reasonably supposed to be victimised, from carrying out any duties to the Union, the S.M.C. shall take all necessary steps to see that the member is compensated for any loss he may incur.

RULE 22
TOOL BENEFIT

Deleted 25/9/72.

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RULE 23
FUNERAL ALLOWANCE

1. The Union shall pay out of its funds a funeral allowance to the representatives of deceased members who have been members for a period of twelve months. On the death of a member who does not owe more than one half-year's contributions, a sum of money in accordance with the appended scale of funeral allowances shall be paid to his widow, next of kin, or nominee, or whomsoever may, in the opinion of the Union, prove to have an equitable claim to it, provided that at the time of such member joining the Union he was not over fifty (50) years of age. Provided, however, that this provision shall not apply to any member who joined the Union prior to its amalgamation. In the event of a member dying, and there being no widow, next of kin, or nominee discovered to whom the Union may deem it just to pay the funeral allowance, the Union shall defray the cost of decent interment of the remains of such a member, and should the circumstances of such a case induce the Union to inter the remains and a claimant to the funeral allowance afterwards arise and prove his or her claim, the Union shall deduct from the amount of such claim, all the expenses it may have been put to on account of the interment, and pay the balance, if any to the claimant.

2. Scale of Funeral Allowances:- On the death of a financial member who has been a member of the Union for twelve (12) months, the funeral allowance shall be two dollars, fifty cents ($2.50), and shall increase at the rate of two dollars, fifty cents ($2.50) per annum, the maximum to be fifty dollars ($50).

RULE 24
SALARIES OF OFFICERS

The State Management Committee shall from time to time set down a scale of payments for Sub-branch Secretaries, Sub-branch Presidents, Vice-Presidents, Delegates, Money Stewards, Sick Stewards, Sub-branch Committees, Returning Officers and Deputy Returning Officers, Scrutineers, and clerical assistance, provided that when such scale is determined, it shall be registered under the Trade Union Act and the Industrial Conciliation and Arbitration Act as part of the Rules of the Union.

RULE 25
OFFICERS' HOLIDAYS

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

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RULE 26
CONTINGENT FUND

Banked by S.M.C.

1. All money collected for the Contingent Fund shall be forwarded by the Sub-branch Secretaries to the S.M.C. each half-year, at the same time as the dues, under Rule 10, Clause 20, are remitted, and shall be banked by the S.M.C. in the name of the Union in a separate account.

How Used

2. The Contingent Fund shall be used for the purpose of relieving cases of distress amongst members that are recommended by the Sub-branches to and approved of, by the S.M.C. It may be used for assisting our own or any other trade.

Applications to S.M.C.

3. All applications for donations to members shall be on a schedule provided by the Union, and no donation shall be made unless such schedule is filled in by the Sub-branch Secretary and approved by the S.M.C.

4. Requests for donations for purposes other than the relief of members shall be forwarded to the S.M.C., and shall contain full particulars of the purpose of the proposed donation.

Qualifications for Assistance

5. No member who has been less than three months in the Union shall be eligible for assistance from this fund, but in no case shall this fund be used for the payment of benefit to which a member is otherwise dis-entitled.

RULE 27
APPRENTICES

1. Candidates for this section must be proposed in the Sub-branch meeting by adult members of the Union; they shall pay the usual entrance fee; they must have worked at the trade twelve (12) months, and be not less than sixteen (16) years of age.

2. Tool Benefit - DELETED.

Transfer to Full Membership

3. On attaining the age of 21 years or on the completion of their apprenticeship, they shall be transferred to full membership

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RULE 28
ALTERATION OF RULES

These rules may be altered or deleted or additions made thereto by a majority of members of the State Management Committee provided that at least 28 days notice to alter rules has been given by the State Management Executive to the State Management Committee.

Provided that the State Management Committee may alter rules of which previous notice has not been given subject to two-thirds of S.M.C. members voting in favour of the alterations.

Provided further that alterations to rules of an urgent nature may be made by a postal ballot of State Management Committee members to determine for or against the adoption of the alterations.

RULE 29
REFERENDUM

Upon request of a majority of Sub-branches comprising five per cent of the membership requesting a referendum upon any matter, the S.M.C. shall immediately take a referendum to the whole membership and should any such referendum be carried by a majority of members voting by ballot, the same shall be binding upon members of the Branch.

RULE 30
DISSOLUTION

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

RULE 31
STANDING ORDERS AND RULES OF DEBATE

Call to Speak

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

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

Motions

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

Amendment

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

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

Question Be Now Put

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

Speak Only Once

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

Time Limit

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

Reply

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

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

President's Right to Speak

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

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Limit to Debate

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

Notice of Motion

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

Motion to Adjourn

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

Moving Dissent from Chairman's Ruling

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

How Put

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

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

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

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

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

PUBLISHED BY: B.W.I.O. QLD. BRANCH, 1983

00468

No.: ..... Sub Branch: .....

Trade: ..... Job. .....

SURNAME: .....

GIVEN NAMES: .....

Age: ..... Date of Birth: .....

ADDRESS: .....

..... Postcode: .....

PROPOSITION AND ADMISSION FORM

I, the undersigned, do hereby agree to become a member of and abide by the Rules of the **BUILDING WORKERS' INDUSTRIAL UNION OF AUSTRALIA (Queensland Branch)**, and/or **THE OPERATIVE PLASTERERS AND PLASTER WORKERS' FEDERATION OF AUSTRALIA (Queensland Branch)**.

Have you previously been a member of the BWIU or OPPWF? .....

Are you a member of any other union? .....

Date: ..... Signed: .....

The abovementioned was admitted as a member of the .....

BWIU ☐ OPPWF ☐ on .....

Proposed by: .....

Proposed by: .....

Apprentices only

Employed by: .....

Trade. .....

Date commenced apprenticeship: .....

00469

Commission of Inquiry into the CFMEU and Misconduct in the Construction Industry

B. CFMEU Construction and General Division Rules

RULES BUNDLE
FINANCIAL MISCONDUCT CASE STUDY

16 JUNE 2026

[105N-BWIU: Incorporates alterations of 28/9/2001 in matter R2001/68]

I CERTIFY under section 207 of the Workplace Relations Act 1996 that the pages herein numbered 1 to 74 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member in the States and Territory of Queensland, New South Wales, South Australia, The Australian Capital Territory, Northern Territory, Tasmania and Western Australia, who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (ie 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

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

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

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

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

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

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

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for The Building Workers' Industrial Union of Australia (or any branch thereof) or used by or for The Operative Plasterers and Plaster Workers' Federation of Australia (or any branch thereof) or Federated Engine Drivers and Firemen's Association of Australasia (or any Branch thereof) any other Union (or branch thereof) which has amalgamated with this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the National Building and Construction Industry Award 1990 or any award of the Australian Industrial Relations Commission replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the Australian Industrial Relations Commission.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5 and/or 6, be entitled to all the benefits of membership.

2. Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for a period or amount arising before or after the certification of this rule change for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

   (a) absence from Australia;

   (b) inability to carry on a member's vocation or calling through illness or injury;

   (c) unemployment

   (d) without being limited by any of the foregoing, any other hardship, or prejudice or disadvantage;

   (e) periods on workers' compensations or on any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

   (f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference

(unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Further provided that the former members of the Federal Council of the Operative Painters and Decorators Union shall, upon amalgamation, be and remain, until the general election, members of the Divisional Conference. Such persons shall remain delegates to the Divisional Conference until 2 January 1997. Thereafter, any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.
Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall be a member of the Divisional Conference.

Further provided that those persons from the former Construction Labourers, Plasterers and Painters and the Construction Workers Divisional Branches in Western Australia who were Divisional Branch Delegates to Divisional Conference immediately prior to the integration of those Divisional Branches occurring, shall be members of the Divisional Conference until 2 January, 2001.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Clay and Ceramics Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring

or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegates proxy.

(vii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that Divisional Branch entitlement to delegates shall be increased by the number of full-time Divisional Officers and full-time National Officers nominating as Divisional Conference delegates in that Divisional Branch in accordance with this sub-clause.

(viii) Six (6) delegates shall form a quorum of the Divisional Conference.

(ix) The expenses of delegates and Divisional Officers shall be paid by the Divisional Executive as follows: First class train fare with sleeper or, alternatively, plane fare. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(x) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xi) A Divisional Conference shall be held not later than December 31, 1993 and biennially thereafter at such place and time as the Divisional Executive shall decide.

(xii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiii) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xv) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, telegraphic, facsimile and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter.

(xvi) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-papragraph xv) herein shall apply.

For the purposes of this sub-paragraph, any reference to a "matter or matters" shall be taken as a reference to a matter or matters raised with the Divisional Executive before or after the date upon which this sub-paragraph takes effect.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

   Further, there shall be, in addition to the above positions, until the conclusion of the Divisional Conference in 1997, as members of the Divisional Executive, the two (2) Divisional Branch Assistant Secretaries designated for the Painters in New South Wales and Victoria.

   Further provided that one (1) of the Joint Divisional Senior Vice-Presidents herein mentioned shall be the former Federal Secretary of the Operative Painters and Decorators Union of Australia who shall also be a full-time Officer of the Union and one of the Divisional Vice-Presidents herein mentioned shall be Mr. P. Waters. The aforementioned Joint Divisional Vice President and Divisional Vice President shall occupy these positions until the conclusion of the Divisional Conference in 1997.

   In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

   Further provided that the Divisional President mentioned herein shall be the former Divisional Secretary of the CFMEU FEDFA Division, Mr. Vic Fitzgerald, who, pursuant to National Rule 42A, took up this position from 27 September 1993 and shall hold same until the election of his successor at the 1997 Divisional Conference.

   Further, until the conclusion of the Divisional Conference following the elections in the year 2000, one of the Joint Divisional Senior Vice-Presidents referred to herein shall be a Joint Divisional Senior Vice-President (Builders' Labourer) who shall represent Construction Labourers' Divisional Branches. Such officer shall be elected in accordance with the procedure herein set out by and from the Delegates to Divisional Conference representing Construction Labourers' Divisional Branches. Where the Divisional Senior Vice-President (Builders Labourers) is a Divisional Branch Secretary of any Construction Labourers Divisional Branch pursuant to Rule 18, either the Divisional Branch Assistant Secretary or Divisional Branch President of that Divisional Branch, as determined by the Divisional Branch, shall be an additional delegate to the Divisional Executive and shall have all the rights and duties of other members of the Divisional Executive in accordance with this rule.

   Further provided that if any such Construction Labourers' Divisional Branch has integrated prior to any required election, Delegates representing Builders' Labourers' in such integrated Branch shall, for the purposes of the election described in this proviso be deemed to be Delegates from a Construction Labourers' Divisional Branch. For the purposes of this Rules the delegate formerly from the Tasmanian Construction Labourers' Divisional Branch and now from the Tasmanian Divisional Branch or his replacement shall be included as a delegate from a Construction Labourers' Divisional Branch.

Further provided that as a consequence of the restructuring of the FEDFA Division and Divisional Branches referred to in Rule 42A of the National Rules, the following persons shall, until the conclusion of the Divisional Conference in 1997, be members of the Divisional Executive from the date this Rule takes effect - Geoff Wilson and Graham Childs.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall be a member of the Divisional Executive.

Further provided that the Secretary of the Western Australia Construction Workers Divisional Branch and the Assistant Secretary of the Western Australia Construction Labourers, Plasterers and Painters Divisional Branch immediately prior to the integration of these Divisional Branches, being members of the Divisional Executive at the time of integration, shall continue as members of the Divisional Executive until 2 January 2001.

On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. (i) Notwithstanding the provisions of rule 9.2, where an officer who was elected to hold an office, the duties of which are of a full-time nature, is due to retire within twelve (12) months after the expiration of the period for which the officer was elected, the officer may remain in that office without being re-elected until retirement, provided that the following shall apply:-

(ii) Nominations shall not be called for filling that position held by that officer until the retirement is to take place.

(iii) The date of retirement of that officer shall be within twelve (12) months after the expiration of the officers' term of office.

(iv) The term of office of the officer elected to fill the office held by the retiring officer shall be until the date of the officers successor taking office after the next scheduled quadrennial election.

(v) Where a member being a candidate duly nominated for election to a full-time office is a person who, if elected, will hold that office for a period in excess of the normal term of office of 4 years by virtue of this sub rule, the ballot papers for the election shall indicate the maximum period for which, if elected, the member may so hold office.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

(b) The retirement age for a full time officer shall be at the end of the term of office during which the member attains the age of 65 years.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (ie., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs

of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

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

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

(n) To make, alter and rescind rules.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any any meeting shall be six. Notice of meetings may be given by letter or telegram or telex or facsimile or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches, or Divisional Branches whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11a)i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows;

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the clerical, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional President or the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

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

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in the States of Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status
in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Construction Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Construction Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Construction Labourers' Divisional Branch referred to above may continue to as long as is appropriate but not later than 1 July 1999. The Construction Labourers' Divisional Branch and the Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January 1998.

(iii) Notwithstanding any other Rule to the contrary, while the Construction Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Construction Labourers' Divisional Branch in the particular State.

(iv) On and from 31 March 1994, the officers of the CFMEU Building Unions Division, Construction Labourers' Divisional Branches shall be as follows:

(a) Queensland:

Divisional Branch President	Carl Purcell
" Vice President	Warren Lorberg
" Treasurer	Kevin Hughes
" Branch Secretary	Gregory Simcoe
" Trustees	John Edwards, Terry Dobinson
" Guardian	Michael Nash
" Committee of Management Members	Joseph Boom, John Buckley, Sam Gianoli, Terrence McIntyre
" Assistant Branch Secretary	Terrence McIntrye
" Organisers	John Edwards, Daryl Kerr, Darryl Pobje, Jonathon Steele, Brian MacNicol, Patrick Hogan, Jack Bekavak, Peter Sweet, Robert Henry, Terry Tye, John Christian (appointed not elected), Edward Puplett (appointed not elected)
" Delegates to Divisional Conference	Carl Purcell, Gregory Simcoe, Terrence McIntyre

(v) As soon as practicable, but not later than 30 June 1994, the Construction Labourers Divisional Branch shall call an election of officers who were appointed in accordance with the foregoing sub-rule save and except for those officers of the Western Australian Divisional Branch who were officers of the CFMEU prior to 31 March 1994. For the purposes of nominations in any such election, the books of the Union shall close on 30 March 1994 and only persons who were financial members of the CFMEU, Building Unions Division, for each respective State at that date and are members of the Construction Labourers' Divisional Branch shall be able to nominate for any position. Further, in the case of the Western Australian Construction Labourers' Divisional Branch, only persons who are eligible for membership under National Rule 2(B) shall be entitled to nominate and vote for any such position. If a ballot is necessary, then persons who were, pursuant to Rule 4(vi) and the agreement between the Australian Building Construction Employees and Builders Labourers' Federation and various other State Builders Labourers' Federations admitted to membership of the CFMEU, Building Unions Division, and are members of the Construction Labourers' Divisional Branch in the particular State, and were financial at 31 March 1994 or later become financial and any person who later becomes a financial member shall be eligible to vote. Other than as herein prescribed, the election shall be conducted, with the necessary changes being made, in accordance with the Rules for the election of Divisional Branch Delegates to Divisional Conference. The term of office for the office bearers elected, pursuant to this Sub-Rule, to the offices referred to in Rule 18(c)(iv)(a), (b) and (c), shall expire at midnight 1st January 1997. The elections for those offices referred to in Rule 18 (c)(iv)(a), (b) and (c), the term of which commences on 2nd January 1997 and thereafter, shall be conducted in accordance with Rule 38 of the Building Unions Divisional Rules or Rule 17 of the National Rules, whichever is applicable.

(vi) While each Construction Labourers' Divisional Branch continues its separate existence, the demarcation between the Construction Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State

currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(vii) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(viii) Any reference in sub-paragraph (c) (iv and v) herein to the Building Unions Division, shall where the context permits, be taken to be a reference to the Conctruction and General Division.

(d) On and from the date of certification of this sub-rule, and until 2 January , 2001, the Officers of the CFMEU, Construction and General Division, Western Australia Divisional Branch shall be :-

Divisional Branch President	Kevin McParland
Divisional Branch Senior Vice President	Dave Simpson
Divisional Branch Vice President	Les Wellington
Divisional Branch Secretary	Kevin Reynolds
Divisional Branch Assistant Secretaries	Joe McDonald
	Kim Young
Divisional Branch Treasurer	Robert Olsen
Divisional Branch Trustees	Ian Hawkens
	Jim Reid
	Alan Williams
Divisional Branch Management Committee	Robert Manwaring
	Bernie Musial
	Brian Churchill
	Glen Hawkins
	Mick Holly
Divisional Branch Organisers	Mark Hudston
	Daron Smith
	Kevin Ennor
	Graham Pallot
	Dave King
	Jim Reid

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 361 Kent Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

24 - RECOVERY OF DUES

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

25 - LEVIES

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

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $20.00 and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $20.00.

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

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

(v) In no circumstances shall any levy or levies amounting to more than $20.00 in any calendar year be imposed on any member or members.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, telegram, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

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

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

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

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

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

If the votes are equal the question is resolved in the negative.

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

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

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

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

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

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

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

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

(e) CHAIR'S RULINGS

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

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Victoria, The Construction and General Division, Victorian Building Unions Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

(d) There shall be an Industry Divisional Branch to be known as the Clay and Ceramics Industry Divisional Branch. In the case of the Sub-Branches comprising the Clay and Ceramics Industry Divisional Branch, "The Construction and General Division, X (Clay and Ceramics) Sub-Branch where X is the State or Territory concerned".

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch.

Provided that in Western Australia membership shall be determined in accordance with Rule 18 herein and further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall be and remain members of the Australian Capital Territory Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Divisional Branch

(a) The record of members of the Victorian Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;

(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker

which shall be known as the member's designated classification.

(b) For the purpose of preparing the first record of members of the Victorian Divisional Branch in accordance with the provisions of paragraph (a) hereof the Victorian Divisional Branch Council shall:-

A. adopt the designated classification record of the BWIU, Victorian Branch immediately preceding the date of amalgamation; and

B. in relation to each member who joined the Victorian Divisional Branch between the date of amalgamation and the date of certification of this sub-rule, amend the record having first determined the designated classification of that member having regard to the criteria set out in Rule 32 (iii) (f) (i), (ii) and (iii), the information contained in existing records held by the Victorian Divisional Branch and such further information as the Victorian Divisional Branch Management Committee considers it necessary to obtain.

(c) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(d) In dealing with applications for membership the Victorian Divisional Branch Management Committee shall determine each new member's designated classification.

(e) The Victorian Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Divisional Branch accordingly.

(f) The Victorian Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(g) Where the Victorian Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Divisional Branch Management Committee considers appropriate.

(h) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(i) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Divisional Branch.

(iv) ACT Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the ACT Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the National Building and Construction Industry Award 1990 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

Each June and December the Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Notwithstanding the foregoing, a member of the Victorian Divisional Branch who was a member of the Operative Painters and Decorators Union on 25 March 1993 and had paid his/her membership contribution up to 28 February 1994 shall be deemed, for all purposes, to be financial for the period 1 March 1994 to 30 September 1994 on the payment by that member of his/her membership contribution calculated in accordance with this Rule for the half year commencing on 1 April 1994.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with an employer (including any Government Department) or any Bank, Building Society, Credit Union or other financial institution for the regular deduction, on the authority of a member, of amounts

whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from the wages or monies payable to the member or from any account maintained by the member as the case may be, and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule; provided that the member was financial immediately prior to arranging such deduction.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or on an injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $2 per copy.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b) A member who has been financial for 12 months at the time of becoming unemployed or unfinancial for a period of more than three months through sickness or other reasonable cause may

have any contribution, fee, levy or other arrear cancelled, waived, credited or otherwise diminished in whole or in part if, in the opinion and absolute discretion of the Divisional Branch Management Committee, such a course of conduct is appropriate. Provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

Any credit, cancellation, waiver or diminution so granted by the Divisional Branch Management Committee shall be deducted from the amount of contributions, fees, levies or arrears due and payable by the member on the records of the Union.

Such cancellation, waiver, credit or diminution may be granted for any period either before or after the certification of this Rule change or before or after any application or proper case being presented for such cancellation, waiver, credit or diminution.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

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

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Vice-President and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

Provided however that on and from 2 January 2001 or the declaration of the election in 2001, whichever is the later, the officers of the NSW Divisional Branch shall, in addition to those referred to in the preceding paragraph, include a second Divisional Branch Assistant Secretary.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President, two Divisional Branch Vice-Presidents, (which positions shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Tasmanian Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) In the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, three (3) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Construction Labourers Divsional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, two Divisional Branch Assistant Secretaries (one of whom shall be from the former Operative Plasterers and Plaster Workers Federation until 1997 and thereafter the position shall be designated Assistant Secretary (Plasterers), Divisional Branch Organisers, and Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Committee of Management.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the ACT Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisonal Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) In Victoria, the officers of the Divisional Branch shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch

Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vii) In South Australia the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, two (2) Divisional Branch Vice-Presidents, Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the South Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

(viii) Each Construction Labourers' Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Construction Labourers' Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Construction Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who is financial as provided for in Rule 6, at the time nominations are called and has financial membership of the Divisional Branch in accordance with the scale set out in this rule, may nominate for such positions according to this scale.

(ii) Provided that any member who has reached the age of 65 years may not nominate for any Divisional Branch Management Committee member or Divisional Branch Councillor position or any office provided for in these Rules.

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(v) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(vi) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vii) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	) 3 years'
Divisional Branch President and Vice President	) financial) membership
Divisional Branch Delegate to Divisional Conference	))
Divisional Branch Management Committee Member	)) 1 year's
District Secretary/Organiser Organiser	) financial) membership
Divisional Branch Councillor, representatives	) financial) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be

registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by certified post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary and that envelope shall contain only the following documents -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(ii) an empty unsealed pre-paid post envelope addressed to the Divisional Branch Returning Officer, c/- the numbered mail box referred to in this rule;

(iii) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Branch Returning Officer may consider necessary;

(iv) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(v) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by certified mail all ballot papers. Provided that the Divisional Branch Executive may prior to thecommencement of the ballot decide that certified mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election the books of the Divisional Branches shall be deemed to have closed as at 30th September in the year of the election. Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines prior to the 30th September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Branch Returning Officer that they have paid all contributions, levies and fines prior to the 30th September in the year of the election shall be entitled to receive a ballot paper and the Divisional Branch Returning Officer shall send by certified post, a ballot paper in accordance with sub-rule (n) of this rule.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

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

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: 25 councillors, 8 of which shall be carpenters, 4 builders labourers, 2 painters, 4 FEDFA (ie persons eligible pursuant to National Rule 2(E)), 2 plasterers, 1 glass worker, 1 stone mason, 1 slater and tiler, 1 bricklayer and 1 wall and floor tiler.

Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (ie members eligible pursuant to National Rule 2(E)), 9 of which shall be builders labourers (ie members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (ie members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	2000 - 2011 Inclusive 2014 - 2077 Inclusive 2079 - 2097 Inclusive 2099 - 2127 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive 2174 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2558 - 2560 Inclusive

	2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2784 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2280 - 2287 Inclusive 2289 - 2295 Inclusive 2297 - 2307 Inclusive 2314 - 2315 2320 - 2323 Inclusive 2325 - 2327 Inclusive 2330 - 2331 2334 - 2335 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2540 - 2541 2574 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii) In Queensland the State Management Committee of the Construction Workers Divisional Branch shall consist of twenty-one (21) members, including the Divisional Branch President (which position shall be honorary), Divisional Branch Secretary and three (3)

Divisional Branch Assistant Secretaries. Each Divisional Branch Assistant Secretary shall be elected by and from those members who are eligible for membership of the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii); National Rule 2(A)(b) and National Rule 2(E) respectively. Provided however that in the event that the Assistant Secretary elected by and from the members eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii) is a plasterer, that person shall become Assistant Secretary (Plasterer) of the Divisional Branch. The Divisional Branch Secretary and the Divisional Branch President (Honorary) shall be elected by and from all members of the Divisional Branch who are eligible to nominate and vote. There shall be a further sixteen (16) members on the State Management Committee who shall be elected as follows;

(i) ten (10) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2 (A)(a)(i) and (ii);

(ii) two (2) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(A)(b);

(iii) five (5) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(E)

subject to the proviso relating to Divisional Branch President, as set out hereunder:

Provided that the number of Management Committee members elected from one of the above subgroups shall be reduced by one. The subgroup to reduced shall be that which corresponds to the eligibility of the Divisional Branch President.

Further provided that the Divisional Branch Management Committee shall elect from its members three (3) Divisional Branch Vice-Presidents and one of each of the Divisional Branch Vice-Presidents shall be elected from representatives of each of the categories of members referred to in this sub-paragraph.

In Queensland the Construction Labourers Divisional Branch Council shall for all purposes be and consist of the Construction Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Construction Labourers Divisional Branch Council and/or the Construction Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia

On and from the date of certification of this sub-rule and until 2 January 2001, in Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Divisional Branch Council members:

Peter Ballard
Peter Delaney
Kevin Ennor

Steve Evans
James Fox
Mark Hudston
Tony Kelly
Dave King
Ron Kinney
Tony Lovett
Peter McGraham
Kevin McGuire
Roy McIlwaine
Mick McMahon
Terry McParland
Peter Morrison
Graham Pallot
Daron Smith
Bob Wade
Paul Wrzos

On and from 2 January 2001 the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(vi) A. In Victoria the Divisional Branch Council shall be constituted in accordance with this paragraph.

B. The Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with these rules.

C. The Zone Delegates to Divisional Branch Council referred to in sub-paragraph B hereof shall be determined in accordance with the following formula:-

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Provided further that until 2 January, 1997 of the Zone Delegates for each zone at least 2 shall be tradespersons and at least 2 shall be labourers. In the event that the number of tradesperson candidates for Zone Delegates positions is less than the

minimum number of tradesperson delegates for that zone, each position for which there is no tradesperson candidate shall be filled by a labourer. In the event that the number of labourer candidates for Zone Delegate positions is less than the minimum number of labourer delegates for that zone, each position for which there is no labourer candidate shall be filled by a tradesperson.

For the purposes of this sub-rule "tradesperson" shall mean a member whose designated classification is either carpenter, stonemason or tilelayer and "labourer" shall mean a member whose designated classification is labourer in accordance with sub-rule 30 (iii).

Further provided that on and from 2 January, 1997 the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

D. Subject to sub-rule (4) (c) hereof the zones shall be in accordance with the following:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3461 "
	3464 - 3599 "
Northern Victoria	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.
Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and twenty five (25) other members. The twenty five other members shall be made up as follows;

8 carpenters, 4 builders labourers, 2 painters, 4 FEDFA (ie persons eligible pursuant to National Rule 2(E)), 2 plasterers, 1 glass worker, 1 stone mason, 1 slater and tiler, 1 bricklayer and 1 wall and floor tiler.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the 25 other members of the New South Wales Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of 3 members eligible pursuant to National Rule 2(E), 9 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 14 other members, consisting of 3 carpenters, 3 builders labourers, 3 FEDFA (ie those eligible for membership pursuant to National Rule 2(E)), and 2 members from the combined classifications of bricklayer, plasterer and painter together with three other members of the Divisional Branch engaged in any off-site fixed establishment in the State of Tasmania.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in Tasmania the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a) In the Construction Workers Divisional Branch in Queensland, there shall be elected by and from the members of the Queensland Divisional Branch

Management Committee as set out in Rule 40 hereof a Divisional Branch Executive of not less than 6 members including the Divisional Branch President and Divisional Branch Secretary.

Such election shall be conducted, the necessary changes being made in accordance with Rule 9 of the Divisional Rules.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in the first paragraph in this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

On and from 2 January, 1997 in the Queensland Construction Workers Divisional Branch the Divisional Branch Executive shall consist of eight (8) members elected by and from the Divisional Branch Management Committee including the Divisional Branch President (Honorary), Divisional Branch Secretary and the three (3) Divisional Branch Assistant Secretaries and three (3) other Executive members who are not full-time officials. Divisional Branch Executive members who are not otherwise full-time officers of the Divisional Branch shall be elected from those members of the Divisional Branch Management Committee who are eligible for membership of the Union, the Division and the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii), National Rule 2(A)(b) and National Rule 2(E) and at least one member eligible in accordance with each of the aforementioned sub-rules shall occupy a position on the Divisional Branch Executive other than those occupied by the Divisional Branch Secretary and Divisional Branch Assistant Secretaries.

(b) Without affecting the term of office of persons holding office as Divisional Branch Executive members immediately prior to the date of certification of this sub-rule, the Divisional Branch Executive members of the Queensland Construction Labourers Divisional Branch shall, on and from 2 January, 1997 or the declaration of the election in 1996, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), 2 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, 2 Divisional Branch Assistant Secretaries (including Assistant Secretary (Plasterer)) and eleven other members. Provided however that there shall be at least 1 painter, 1 FEDFA (ie person eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and 1 other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in the Australian Capital Territory the Divisional Branch Management

Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the

Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional

Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) In Victoria the Divisional Branch Management Committee shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and sixteen (16) others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

On and from the date of certification of this sub-rule, the Divisional Branch Management Committee shall also consist of one fibrous plasterer/fibrous plaster industry member.

(vii) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, two (2) Divisional Branch Vice-Presidents, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Treasurer, two (2) Divisional Branch Trustees, one other Committee of Management member and no less than two organisers. Provided however that the Divisional Branch Committee of Management may determine such additional elected organisers positions as it considers appropriate and further provided that of the two elected organisers at least one shall be elected by and from those persons eligible for membership of the former Construction Labourers Divisional Branch and the other shall be elected by and from those persons eligible for membership of the former Construction Workers Divisional Branch.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in South Australia the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, three (3) Divisonal Branch Management Committee members and three (3) Organisers (one of whom whall represent members eligible for membership of the former Construction Labourers Divisional Branch on the Divisional Branch Management Committee and one of whom shall represent members eligible for membership of the former Construction Workers Divisional Branch, on the Divisional Branch Management Committee).

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and
administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or telegram or telex or by telephone or verbally, provided that in the latter two instances, such is confirmed by letter or telegram or telex.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of Awards and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management

Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district.The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

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

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

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA)

(i) In the Victorian Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the three Divisional Branch Vice-Presidents, the Divisional Branch Secretary and the Divisional Branch Assistant Secretary.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned to him from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his guidance. He shall not enter debate on any question, but shall endeavour to bring the business to a satisfactory conclusion. He shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the Victorian Divisional Branch, the Queensland Construction Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q).

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall prepare and forward to the Industrial Registrar returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible, with the assistance of an Editorial Board elected by the Divisional Branch Management Committee, to assist in the production of the Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when

requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER (SOUTH AUSTRALIA)

In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with the Divisional Branch Secretary and Divisional Branch President sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial trasnactions for the period since the immediately preceding meeting.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable
opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.
At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance. The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of

the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE

(a) Order of Business:

1. Opening of meeting.

2. Reading and adoption of minutes of previous meeting.

3. Admission of new members.

4. Election of Officers.

5. Divisional Branch Management Committee minutes.

6. Adjourned business.

7. Reading of Correspondence.

8. Auditor's Report.

9. Report of delegates.

10. Secretary's Cash Account.

11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

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

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

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

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

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

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

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

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

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

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

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 - DEFINITIONS

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

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

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

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

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

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

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

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than twelve financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

CLAY AND CERAMICS INDUSTRY DIVISIONAL BRANCH RULES

70 - CLAY AND CERAMICS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Clay and Ceramics Industry Divisional Branch of the Construction and General Division to which all members who are eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Clay and Ceramics Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Clay and Ceramics Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia, together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Clay and Ceramics Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Clay and Ceramics Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Clay and Ceramics Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Clay and Ceramics Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) On and from the date of amalgamation, the officers of the Clay and Ceramics Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.).

(ii) (a) The Secretary of the Victorian Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch.

(b) The Secretary of the NSW Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(c) The Secretary of the W.A. Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Assistant Secretary (W.A.).

(d) The persons elected as organisers with the NSW and Victorian Branches of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Assistant Secretary (NSW) and Industry Divisional Branch Assistant Secretary (Victoria) respectively.

(iii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

(iv) (a) The Industry Divisional Branch Management Committee shall, at the first meeting following the amalgamation, elect from among its members an Industry Divisional Branch Vice -President (Honorary).

(b) The Industry Divisional Branch Vice President (Honorary) referred to in (a) above shall hold office until the election of his/her successor, which election shall occur as soon as practicable after the first election of the Industry Divisional Branch Management following the amalgamation.

(c) The Industry Divisional Branch Vice President (Honorary) shall be elected by and from the Industry Divisional Branch Management Committee as soon as practicable after the election of the Industry Divisional Branch Management Committee and shall hold office for a period of four years.

(d) The provisions of Rule 9, Divisional Executive, of these Divisional Rules relating to the election of the Divisional Officers and Divisional Executive shall apply, the necessary changes being made, to the election of the Industry Divisional Branch

Vice President (Honorary). Provided however that the provisions of this rule relating to the timing of this election shally apply in lieu of like provisions in Rule 9.

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

On and from the date of amalgamation, the Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch Management Committee on a quota of one additional Management Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

Provided however that until the first election of Industry Divisional Branch Management Committee members following the amalgamation, those persons who were members of the Federal Executive of the FBTPU immediately prior to amalgamation, shall be members of the Industry Divisional Branch Management Committee.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

74 - SUB-BRANCH RULES

The Clay and Ceramics Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Clay and Ceramics Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership

provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Clay and Ceramics Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Clay and Ceramics Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) Upon amalgamation a capitation fee shall be paid by the Clay and Ceramics Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Clay and Ceramics Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - INDUSTRY DIVISIONAL BRANCH AND SUB BRANCH OFFICE FACILITIES

Notwithstanding the fact that by virtue of the amalgamation the assets of the FBTPU become the property of the amalgamated union, each Sub-Branch of the Clay and Ceramics Industry Divisional Branch shall have the right of continuing use and occupation of its existing premises where such premises were, as at the date of amalgamation, the property of the FBTPU.

79 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

80 - VARIATION TO RULES

The Clay and Ceramics Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Clay and Ceramics Industry Divisional Branch Management Committee

81 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Clay and Ceramics Industry Divisional Branch.

82 - DISSOLUTION OF BRANCH

(a) The Clay and Ceramics Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisonal Branch Management Committee or by a plebiscite of Industry Divisional Branch members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Clay and Ceramics Industry Divisional Branch, to close down or otherwise restructure the Clay and Ceramics Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Clay and Ceramics Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Clay and Ceramics Industry Divisional Branch is dissolved, members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Clay and Ceramics Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

83 - CLAY AND CERAMICS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Clay and Ceramics Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

84 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

85 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) Each officer within the Clay and Ceramics Industry Divisional Branch referred to in Rule 72 herein shall hold office until the elections of the Construction and General Division of the CFMEU are held in the year 2000, at which time elections for all offices within the Industry Divisional Branch shall also be held.

(b) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall, in the elction referred to in sub-clause (a) herein, be elected by and from all members of the Industry Divisional Branch. Each of the three Industry Divisional Branch Assistant Secretaries shall be elected by and from those members in each of the three corresponding states for which a designated Assistant Secretary's position exists.

(c) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

END OF RULES

[105N-BWIU: Incorporates alterations of 8/5/2002 in matter R2001/186]

I CERTIFY under section 207 of the Workplace Relations Act 1996 that the pages herein numbered 1 to 74 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member in the States and Territory of Queensland, New South Wales, South Australia, The Australian Capital Territory, Northern Territory, Tasmania and Western Australia, who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (ie 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

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

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

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

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

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

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

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for The Building Workers' Industrial Union of Australia (or any branch thereof) or used by or for The Operative Plasterers and Plaster Workers' Federation of Australia (or any branch thereof) or Federated Engine Drivers and Firemen's Association of Australasia (or any Branch thereof) any other Union (or branch thereof) which has amalgamated with this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the National Building and Construction Industry Award 1990 or any award of the Australian Industrial Relations Commission replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the Australian Industrial Relations Commission.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5 and/or 6, be entitled to all the benefits of membership.

2. Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for a period or amount arising before or after the certification of this rule change for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

   (a) absence from Australia;

   (b) inability to carry on a member's vocation or calling through illness or injury;

   (c) unemployment

   (d) without being limited by any of the foregoing, any other hardship, or prejudice or disadvantage;

   (e) periods on workers' compensations or on any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

   (f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference

(unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Further provided that the former members of the Federal Council of the Operative Painters and Decorators Union shall, upon amalgamation, be and remain, until the general election, members of the Divisional Conference. Such persons shall remain delegates to the Divisional Conference until 2 January 1997. Thereafter, any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.
Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall be a member of the Divisional Conference.

Further provided that those persons from the former Construction Labourers, Plasterers and Painters and the Construction Workers Divisional Branches in Western Australia who were Divisional Branch Delegates to Divisional Conference immediately prior to the integration of those Divisional Branches occurring, shall be members of the Divisional Conference until 2 January, 2001.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Clay and Ceramics Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring

or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegates proxy.

(vii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that Divisional Branch entitlement to delegates shall be increased by the number of full-time Divisional Officers and full-time National Officers nominating as Divisional Conference delegates in that Divisional Branch in accordance with this sub-clause.

(viii) Six (6) delegates shall form a quorum of the Divisional Conference.

(ix) The expenses of delegates and Divisional Officers shall be paid by the Divisional Executive as follows: First class train fare with sleeper or, alternatively, plane fare. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(x) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xi) A Divisional Conference shall be held not later than December 31, 1993 and biennially thereafter at such place and time as the Divisional Executive shall decide.

(xii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiii) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xv) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, telegraphic, facsimile and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter.

(xvi) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-papragraph xv) herein shall apply.

For the purposes of this sub-paragraph, any reference to a "matter or matters" shall be taken as a reference to a matter or matters raised with the Divisional Executive before or after the date upon which this sub-paragraph takes effect.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

   Further, there shall be, in addition to the above positions, until the conclusion of the Divisional Conference in 1997, as members of the Divisional Executive, the two (2) Divisional Branch Assistant Secretaries designated for the Painters in New South Wales and Victoria.

   Further provided that one (1) of the Joint Divisional Senior Vice-Presidents herein mentioned shall be the former Federal Secretary of the Operative Painters and Decorators Union of Australia who shall also be a full-time Officer of the Union and one of the Divisional Vice-Presidents herein mentioned shall be Mr. P. Waters. The aforementioned Joint Divisional Vice President and Divisional Vice President shall occupy these positions until the conclusion of the Divisional Conference in 1997.

   In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

   Further provided that the Divisional President mentioned herein shall be the former Divisional Secretary of the CFMEU FEDFA Division, Mr. Vic Fitzgerald, who, pursuant to National Rule 42A, took up this position from 27 September 1993 and shall hold same until the election of his successor at the 1997 Divisional Conference.

   Further, until the conclusion of the Divisional Conference following the elections in the year 2000, one of the Joint Divisional Senior Vice-Presidents referred to herein shall be a Joint Divisional Senior Vice-President (Builders' Labourer) who shall represent Construction Labourers' Divisional Branches. Such officer shall be elected in accordance with the procedure herein set out by and from the Delegates to Divisional Conference representing Construction Labourers' Divisional Branches. Where the Divisional Senior Vice-President (Builders Labourers) is a Divisional Branch Secretary of any Construction Labourers Divisional Branch pursuant to Rule 18, either the Divisional Branch Assistant Secretary or Divisional Branch President of that Divisional Branch, as determined by the Divisional Branch, shall be an additional delegate to the Divisional Executive and shall have all the rights and duties of other members of the Divisional Executive in accordance with this rule.

   Further provided that if any such Construction Labourers' Divisional Branch has integrated prior to any required election, Delegates representing Builders' Labourers' in such integrated Branch shall, for the purposes of the election described in this proviso be deemed to be Delegates from a Construction Labourers' Divisional Branch. For the purposes of this Rules the delegate formerly from the Tasmanian Construction Labourers' Divisional Branch and now from the Tasmanian Divisional Branch or his replacement shall be included as a delegate from a Construction Labourers' Divisional Branch.

Further provided that as a consequence of the restructuring of the FEDFA Division and Divisional Branches referred to in Rule 42A of the National Rules, the following persons shall, until the conclusion of the Divisional Conference in 1997, be members of the Divisional Executive from the date this Rule takes effect - Geoff Wilson and Graham Childs.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall be a member of the Divisional Executive.

Further provided that the Secretary of the Western Australia Construction Workers Divisional Branch and the Assistant Secretary of the Western Australia Construction Labourers, Plasterers and Painters Divisional Branch immediately prior to the integration of these Divisional Branches, being members of the Divisional Executive at the time of integration, shall continue as members of the Divisional Executive until 2 January 2001.

On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. (i) Notwithstanding the provisions of rule 9.2, where an officer who was elected to hold an office, the duties of which are of a full-time nature, is due to retire within twelve (12) months after the expiration of the period for which the officer was elected, the officer may remain in that office without being re-elected until retirement, provided that the following shall apply:-

(ii) Nominations shall not be called for filling that position held by that officer until the retirement is to take place.

(iii) The date of retirement of that officer shall be within twelve (12) months after the expiration of the officers' term of office.

(iv) The term of office of the officer elected to fill the office held by the retiring officer shall be until the date of the officers successor taking office after the next scheduled quadrennial election.

(v) Where a member being a candidate duly nominated for election to a full-time office is a person who, if elected, will hold that office for a period in excess of the normal term of office of 4 years by virtue of this sub rule, the ballot papers for the election shall indicate the maximum period for which, if elected, the member may so hold office.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

(b) The retirement age for a full time officer shall be at the end of the term of office during which the member attains the age of 65 years.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (ie., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs

of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

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

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

(n) To make, alter and rescind rules.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any any meeting shall be six. Notice of meetings may be given by letter or telegram or telex or facsimile or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches, or Divisional Branches whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11a)i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows;

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the clerical, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional President or the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

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

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in the States of Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status
in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Construction Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Construction Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Construction Labourers' Divisional Branch referred to above may continue to as long as is appropriate but not later than 1 July 1999. The Construction Labourers' Divisional Branch and the Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January 1998.

(iii) Notwithstanding any other Rule to the contrary, while the Construction Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Construction Labourers' Divisional Branch in the particular State.

(iv) On and from 31 March 1994, the officers of the CFMEU Building Unions Division, Construction Labourers' Divisional Branches shall be as follows:

(a) Queensland:

Divisional Branch President		Carl Purcell
"	Vice President	Warren Lorberg
"	Treasurer	Kevin Hughes
"	Branch Secretary	Gregory Simcoe
"	Trustees	John Edwards, Terry Dobinson
"	Guardian	Michael Nash
"	Committee of Management Members	Joseph Boom, John Buckley, Sam Gianoli, Terrence McIntyre
"	Assistant Branch Secretary	Terrence McIntrye
"	Organisers	John Edwards, Daryl Kerr, Darryl Pobje, Jonathon Steele, Brian MacNicol, Patrick Hogan, Jack Bekavak, Peter Sweet, Robert Henry, Terry Tye, John Christian (appointed not elected), Edward Puplett (appointed not elected)
"	Delegates to Divisional Conference	Carl Purcell, Gregory Simcoe, Terrence McIntyre

(v) As soon as practicable, but not later than 30 June 1994, the Construction Labourers Divisional Branch shall call an election of officers who were appointed in accordance with the foregoing sub-rule save and except for those officers of the Western Australian Divisional Branch who were officers of the CFMEU prior to 31 March 1994. For the purposes of nominations in any such election, the books of the Union shall close on 30 March 1994 and only persons who were financial members of the CFMEU, Building Unions Division, for each respective State at that date and are members of the Construction Labourers' Divisional Branch shall be able to nominate for any position. Further, in the case of the Western Australian Construction Labourers' Divisional Branch, only persons who are eligible for membership under National Rule 2(B) shall be entitled to nominate and vote for any such position. If a ballot is necessary, then persons who were, pursuant to Rule 4(vi) and the agreement between the Australian Building Construction Employees and Builders Labourers' Federation and various other State Builders Labourers' Federations admitted to membership of the CFMEU, Building Unions Division, and are members of the Construction Labourers' Divisional Branch in the particular State, and were financial at 31 March 1994 or later become financial and any person who later becomes a financial member shall be eligible to vote. Other than as herein prescribed, the election shall be conducted, with the necessary changes being made, in accordance with the Rules for the election of Divisional Branch Delegates to Divisional Conference. The term of office for the office bearers elected, pursuant to this Sub-Rule, to the offices referred to in Rule 18(c)(iv)(a), (b) and (c), shall expire at midnight 1st January 1997. The elections for those offices referred to in Rule 18 (c)(iv)(a), (b) and (c), the term of which commences on 2nd January 1997 and thereafter, shall be conducted in accordance with Rule 38 of the Building Unions Divisional Rules or Rule 17 of the National Rules, whichever is applicable.

(vi) While each Construction Labourers' Divisional Branch continues its separate existence, the demarcation between the Construction Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State

currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(vii) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(viii) Any reference in sub-paragraph (c) (iv and v) herein to the Building Unions Division, shall where the context permits, be taken to be a reference to the Conctruction and General Division.

(d) On and from the date of certification of this sub-rule, and until 2 January , 2001, the Officers of the CFMEU, Construction and General Division, Western Australia Divisional Branch shall be :-

Divisional Branch President	Kevin McParland
Divisional Branch Senior Vice President	Dave Simpson
Divisional Branch Vice President	Les Wellington
Divisional Branch Secretary	Kevin Reynolds
Divisional Branch Assistant Secretaries	Joe McDonald
	Kim Young
Divisional Branch Treasurer	Robert Olsen
Divisional Branch Trustees	Ian Hawkens
	Jim Reid
	Alan Williams
Divisional Branch Management Committee	Robert Manwaring
	Bernie Musial
	Brian Churchill
	Glen Hawkins
	Mick Holly
Divisional Branch Organisers	Mark Hudston
	Daron Smith
	Kevin Ennor
	Graham Pallot
	Dave King
	Jim Reid

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 361 Kent Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

24 - RECOVERY OF DUES

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

25 - LEVIES

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

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $20.00 and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $20.00.

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

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

(v) In no circumstances shall any levy or levies amounting to more than $20.00 in any calendar year be imposed on any member or members.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, telegram, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

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

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

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

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

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

If the votes are equal the question is resolved in the negative.

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

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

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

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

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

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

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

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

(e) CHAIR'S RULINGS

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

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Victoria, The Construction and General Division, Victorian Building Unions Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

(d) There shall be an Industry Divisional Branch to be known as the Clay and Ceramics Industry Divisional Branch. In the case of the Sub-Branches comprising the Clay and Ceramics Industry Divisional Branch, "The Construction and General Division, X (Clay and Ceramics) Sub-Branch where X is the State or Territory concerned".

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch.

Provided that in Western Australia membership shall be determined in accordance with Rule 18 herein and further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall be and remain members of the Australian Capital Territory Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Divisional Branch

(a) The record of members of the Victorian Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker

which shall be known as the member's designated classification.

(b) For the purpose of preparing the first record of members of the Victorian Divisional Branch in accordance with the provisions of paragraph (a) hereof the Victorian Divisional Branch Council shall:-

A. adopt the designated classification record of the BWIU, Victorian Branch immediately preceding the date of amalgamation; and

B. in relation to each member who joined the Victorian Divisional Branch between the date of amalgamation and the date of certification of this sub-rule, amend the record having first determined the designated classification of that member having regard to the criteria set out in Rule 32 (iii) (f) (i), (ii) and (iii), the information contained in existing records held by the Victorian Divisional Branch and such further information as the Victorian Divisional Branch Management Committee considers it necessary to obtain.

(c) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(d) In dealing with applications for membership the Victorian Divisional Branch Management Committee shall determine each new member's designated classification.

(e) The Victorian Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Divisional Branch accordingly.

(f) The Victorian Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(g) Where the Victorian Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Divisional Branch Management Committee considers appropriate.

(h) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(i) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Divisional Branch.

(iv) ACT Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the ACT Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the National Building and Construction Industry Award 1990 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

Each June and December the Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Notwithstanding the foregoing, a member of the Victorian Divisional Branch who was a member of the Operative Painters and Decorators Union on 25 March 1993 and had paid his/her membership contribution up to 28 February 1994 shall be deemed, for all purposes, to be financial for the period 1 March 1994 to 30 September 1994 on the payment by that member of his/her membership contribution calculated in accordance with this Rule for the half year commencing on 1 April 1994.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with an employer (including any Government Department) or any Bank, Building Society, Credit Union or other financial institution for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from the wages or monies payable to the member or from any account maintained by the member as the case may be, and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule; provided that the member was financial immediately prior to arranging such deduction.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or on an injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $2 per copy.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b) A member who has been financial for 12 months at the time of becoming unemployed or unfinancial for a period of more than three months through sickness or other reasonable cause may have any contribution, fee, levy or other arrear cancelled, waived, credited or otherwise diminished in whole or in part if, in the opinion and absolute discretion of the Divisional Branch Management Committee, such a course of conduct is appropriate. Provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

Any credit, cancellation, waiver or diminution so granted by the Divisional Branch Management Committee shall be deducted from the amount of contributions, fees, levies or arrears due and payable by the member on the records of the Union.

Such cancellation, waiver, credit or diminution may be granted for any period either before or after the certification of this Rule change or before or after any application or proper case being presented for such cancellation, waiver, credit or diminution.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

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

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Vice-President and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

Provided however that on and from 2 January 2001 or the declaration of the election in 2001, whichever is the later, the officers of the NSW Divisional Branch shall, in addition to those referred to in the preceding paragraph, include a second Divisional Branch Assistant Secretary.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President, two Divisional Branch Vice-Presidents, (which positions shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Tasmanian Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) In the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, three (3) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Construction Labourers Divsional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, two Divisional Branch Assistant Secretaries (one of whom shall be from the former Operative Plasterers and Plaster Workers Federation until 1997 and thereafter the position shall be designated Assistant Secretary (Plasterers), Divisional Branch Organisers, and Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Committee of Management.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the ACT Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisonal Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2)

Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) In Victoria, the officers of the Divisional Branch shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vii) In South Australia the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, two (2) Divisional Branch Vice-Presidents, Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the South Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

(viii) Each Construction Labourers' Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Construction Labourers' Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Construction Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who is financial as provided for in Rule 6, at the time nominations are called and has financial membership of the Divisional Branch in accordance with the scale set out in this rule, may nominate for such positions according to this scale.

(ii) Provided that any member who has reached the age of 65 years may not nominate for any Divisional Branch Management Committee member or Divisional Branch Councillor position or any office provided for in these Rules.

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(v) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(vi) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vii) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	) 3 years'
Divisional Branch President and Vice President	) financial) membership
Divisional Branch Delegate to Divisional Conference	))
Divisional Branch Management Committee Member	)) 1 year's
District Secretary/Organiser Organiser	) financial) membership
Divisional Branch Councillor, representatives	) financial) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be

registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by certified post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary and that envelope shall contain only the following documents -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(ii) an empty unsealed pre-paid post envelope addressed to the Divisional Branch Returning Officer, c/- the numbered mail box referred to in this rule;

(iii) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Branch Returning Officer may consider necessary;

(iv) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(v) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by certified mail all ballot papers. Provided that the Divisional Branch Executive may prior to thecommencement of the ballot decide that certified mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election the books of the Divisional Branches shall be deemed to have closed as at 30th September in the year of the election. Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines prior to the 30th September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Branch Returning Officer that they have paid all contributions, levies and fines prior to the 30th September in the year of the election shall be entitled to receive a ballot paper and the Divisional Branch Returning Officer shall send by certified post, a ballot paper in accordance with sub-rule (n) of this rule.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

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

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant

Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: 25 councillors, 8 of which shall be carpenters, 4 builders labourers, 2 painters, 4 FEDFA (ie persons eligible pursuant to National Rule 2(E)), 2 plasterers, 1 glass worker, 1 stone mason, 1 slater and tiler, 1 bricklayer and 1 wall and floor tiler.

Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (ie members eligible pursuant to National Rule 2(E)), 9 of which shall be builders labourers (ie members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (ie members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	2000 - 2011 Inclusive 2014 - 2077 Inclusive 2079 - 2097 Inclusive 2099 - 2127 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive 2174 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2558 - 2560 Inclusive

	2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2784 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2280 - 2287 Inclusive 2289 - 2295 Inclusive 2297 - 2307 Inclusive 2314 - 2315 2320 - 2323 Inclusive 2325 - 2327 Inclusive 2330 - 2331 2334 - 2335 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2540 - 2541 2574 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii) In Queensland the State Management Committee of the Construction Workers Divisional Branch shall consist of twenty-one (21) members, including the Divisional Branch President (which position shall be honorary), Divisional Branch Secretary and three (3)

Divisional Branch Assistant Secretaries. Each Divisional Branch Assistant Secretary shall be elected by and from those members who are eligible for membership of the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii); National Rule 2(A)(b) and National Rule 2(E) respectively. Provided however that in the event that the Assistant Secretary elected by and from the members eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii) is a plasterer, that person shall become Assistant Secretary (Plasterer) of the Divisional Branch. The Divisional Branch Secretary and the Divisional Branch President (Honorary) shall be elected by and from all members of the Divisional Branch who are eligible to nominate and vote. There shall be a further sixteen (16) members on the State Management Committee who shall be elected as follows;

(i) ten (10) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2 (A)(a)(i) and (ii);

(ii) two (2) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(A)(b);

(iii) five (5) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(E)

subject to the proviso relating to Divisional Branch President, as set out hereunder:

Provided that the number of Management Committee members elected from one of the above subgroups shall be reduced by one. The subgroup to reduced shall be that which corresponds to the eligibility of the Divisional Branch President.

Further provided that the Divisional Branch Management Committee shall elect from its members three (3) Divisional Branch Vice-Presidents and one of each of the Divisional Branch Vice-Presidents shall be elected from representatives of each of the categories of members referred to in this sub-paragraph.

In Queensland the Construction Labourers Divisional Branch Council shall for all purposes be and consist of the Construction Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Construction Labourers Divisional Branch Council and/or the Construction Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia

On and from the date of certification of this sub-rule and until 2 January 2001, in Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Divisional Branch Council members:

Peter Ballard
Peter Delaney
Kevin Ennor

Steve Evans
James Fox
Mark Hudston
Tony Kelly
Dave King
Ron Kinney
Tony Lovett
Peter McGraham
Kevin McGuire
Roy McIlwaine
Mick McMahon
Terry McParland
Peter Morrison
Graham Pallot
Daron Smith
Bob Wade
Paul Wrzos

On and from 2 January 2001 the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(vi) A. In Victoria the Divisional Branch Council shall be constituted in accordance with this paragraph.

B. The Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with these rules.

C. The Zone Delegates to Divisional Branch Council referred to in sub-paragraph B hereof shall be determined in accordance with the following formula:-

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Provided further that until 2 January, 1997 of the Zone Delegates for each zone at least 2 shall be tradespersons and at least 2 shall be labourers. In the event that the number of tradesperson candidates for Zone Delegates positions is less than the

minimum number of tradesperson delegates for that zone, each position for which there is no tradesperson candidate shall be filled by a labourer. In the event that the number of labourer candidates for Zone Delegate positions is less than the minimum number of labourer delegates for that zone, each position for which there is no labourer candidate shall be filled by a tradesperson.

For the purposes of this sub-rule "tradesperson" shall mean a member whose designated classification is either carpenter, stonemason or tilelayer and "labourer" shall mean a member whose designated classification is labourer in accordance with sub-rule 30 (iii).

Further provided that on and from 2 January, 1997 the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

D. Subject to sub-rule (4) (c) hereof the zones shall be in accordance with the following:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3461 "
	3464 - 3599 "
Northern Victoria	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.
Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and twenty five (25) other members. The twenty five other members shall be made up as follows;

8 carpenters, 4 builders labourers, 2 painters, 4 FEDFA (ie persons eligible pursuant to National Rule 2(E)), 2 plasterers, 1 glass worker, 1 stone mason, 1 slater and tiler, 1 bricklayer and 1 wall and floor tiler.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the 25 other members of the New South Wales Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of 3 members eligible pursuant to National Rule 2(E), 9 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 14 other members, consisting of 3 carpenters, 3 builders labourers, 3 FEDFA (ie those eligible for membership pursuant to National Rule 2(E)), and 2 members from the combined classifications of bricklayer, plasterer and painter together with three other members of the Divisional Branch engaged in any off-site fixed establishment in the State of Tasmania.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in Tasmania the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a) In the Construction Workers Divisional Branch in Queensland, there shall be elected by and from the members of the Queensland Divisional Branch

Management Committee as set out in Rule 40 hereof a Divisional Branch Executive of not less than 6 members including the Divisional Branch President and Divisional Branch Secretary.

Such election shall be conducted, the necessary changes being made in accordance with Rule 9 of the Divisional Rules.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in the first paragraph in this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

On and from 2 January, 1997 in the Queensland Construction Workers Divisional Branch the Divisional Branch Executive shall consist of eight (8) members elected by and from the Divisional Branch Management Committee including the Divisional Branch President (Honorary), Divisional Branch Secretary and the three (3) Divisional Branch Assistant Secretaries and three (3) other Executive members who are not full-time officials. Divisional Branch Executive members who are not otherwise full-time officers of the Divisional Branch shall be elected from those members of the Divisional Branch Management Committee who are eligible for membership of the Union, the Division and the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii), National Rule 2(A)(b) and National Rule 2(E) and at least one member eligible in accordance with each of the aforementioned sub-rules shall occupy a position on the Divisional Branch Executive other than those occupied by the Divisional Branch Secretary and Divisional Branch Assistant Secretaries.

(b) Without affecting the term of office of persons holding office as Divisional Branch Executive members immediately prior to the date of certification of this sub-rule, the Divisional Branch Executive members of the Queensland Construction Labourers Divisional Branch shall, on and from 2 January, 1997 or the declaration of the election in 1996, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), 2 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, 2 Divisional Branch Assistant Secretaries (including Assistant Secretary (Plasterer)) and eleven other members. Provided however that there shall be at least 1 painter, 1 FEDFA (ie person eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and 1 other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in the Australian Capital Territory the Divisional Branch Management

Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the

Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional

Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) In Victoria the Divisional Branch Management Committee shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and sixteen (16) others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

On and from the date of certification of this sub-rule, the Divisional Branch Management Committee shall also consist of one fibrous plasterer/fibrous plaster industry member.

(vii) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, two (2) Divisional Branch Vice-Presidents, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Treasurer, two (2) Divisional Branch Trustees, one other Committee of Management member and no less than two organisers. Provided however that the Divisional Branch Committee of Management may determine such additional elected organisers positions as it considers appropriate and further provided that of the two elected organisers at least one shall be elected by and from those persons eligible for membership of the former Construction Labourers Divisional Branch and the other shall be elected by and from those persons eligible for membership of the former Construction Workers Divisional Branch.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in South Australia the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, three (3) Divisonal Branch Management Committee members and three (3) Organisers (one of whom whall represent members eligible for membership of the former Construction Labourers Divisional Branch on the Divisional Branch Management Committee and one of whom shall represent members eligible for membership of the former Construction Workers Divisional Branch, on the Divisional Branch Management Committee).

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or telegram or telex or by telephone or verbally, provided that in the latter two instances, such is confirmed by letter or telegram or telex.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of Awards and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district.The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

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

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

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA)

(i) In the Victorian Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the three Divisional Branch Vice-Presidents, the Divisional Branch Secretary and the Divisional Branch Assistant Secretary.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned to him from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his guidance. He shall not enter debate on any question, but shall endeavour to bring the business to a satisfactory conclusion. He shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the Victorian Divisional Branch, the Queensland Construction Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q).

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall prepare and forward to the Industrial Registrar returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible, with the assistance of an Editorial Board elected by the Divisional Branch Management Committee, to assist in the production of the Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when

requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER (SOUTH AUSTRALIA)

In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with the Divisional Branch Secretary and Divisional Branch President sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial trasnactions for the period since the immediately preceding meeting.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable
opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance. The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of

the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE

(a) Order of Business:

1. Opening of meeting.

2. Reading and adoption of minutes of previous meeting.

3. Admission of new members.

4. Election of Officers.

5. Divisional Branch Management Committee minutes.

6. Adjourned business.

7. Reading of Correspondence.

8. Auditor's Report.

9. Report of delegates.

10. Secretary's Cash Account.

11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

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

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

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

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

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

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

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

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

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

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

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 - DEFINITIONS

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

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

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

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

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

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

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

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than twelve financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

CLAY AND CERAMICS INDUSTRY DIVISIONAL BRANCH RULES

70 - CLAY AND CERAMICS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Clay and Ceramics Industry Divisional Branch of the Construction and General Division to which all members who are eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Clay and Ceramics Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Clay and Ceramics Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia, together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Clay and Ceramics Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Clay and Ceramics Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Clay and Ceramics Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Clay and Ceramics Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) On and from the date of amalgamation, the officers of the Clay and Ceramics Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.).

(ii) (a) The Secretary of the Victorian Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch.

(b) The Secretary of the NSW Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(c) The Secretary of the W.A. Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Assistant Secretary (W.A.).

(d) The persons elected as organisers with the NSW and Victorian Branches of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Assistant Secretary (NSW) and Industry Divisional Branch Assistant Secretary (Victoria) respectively.

(iii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

(iv) (a) The Industry Divisional Branch Management Committee shall, at the first meeting following the amalgamation, elect from among its members an Industry Divisional Branch Vice -President (Honorary).

(b) The Industry Divisional Branch Vice President (Honorary) referred to in (a) above shall hold office until the election of his/her successor, which election shall occur as soon as practicable after the first election of the Industry Divisional Branch Management following the amalgamation.

(c) The Industry Divisional Branch Vice President (Honorary) shall be elected by and from the Industry Divisional Branch Management Committee as soon as practicable after the election of the Industry Divisional Branch Management Committee and shall hold office for a period of four years.

(d) The provisions of Rule 9, Divisional Executive, of these Divisional Rules relating to the election of the Divisional Officers and Divisional Executive shall apply, the necessary changes being made, to the election of the Industry Divisional Branch Vice President (Honorary). Provided however that the provisions of this rule relating to the timing of this election shally apply in lieu of like provisions in Rule 9.

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

On and from the date of amalgamation, the Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch Management Committee on a quota of one additional Management Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

Provided however that until the first election of Industry Divisional Branch Management Committee members following the amalgamation, those persons who were members of the Federal Executive of the FBTPU immediately prior to amalgamation, shall be members of the Industry Divisional Branch Management Committee.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

74 - SUB-BRANCH RULES

The Clay and Ceramics Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Clay and Ceramics Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Clay and Ceramics Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Clay and Ceramics Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) Upon amalgamation a capitation fee shall be paid by the Clay and Ceramics Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Clay and Ceramics Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - INDUSTRY DIVISIONAL BRANCH AND SUB BRANCH OFFICE FACILITIES

Notwithstanding the fact that by virtue of the amalgamation the assets of the FBTPU become the property of the amalgamated union, each Sub-Branch of the Clay and Ceramics Industry Divisional Branch shall have the right of continuing use and occupation of its existing premises where such premises were, as at the date of amalgamation, the property of the FBTPU.

79 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

80 - VARIATION TO RULES

The Clay and Ceramics Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Clay and Ceramics Industry Divisional Branch Management Committee

81 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Clay and Ceramics Industry Divisional Branch.

82 - DISSOLUTION OF BRANCH

(a) The Clay and Ceramics Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisonal Branch Management Committee or by a plebiscite of Industry Divisional Branch members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Clay and Ceramics Industry Divisional Branch, to close down or otherwise restructure the Clay and Ceramics Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Clay and Ceramics Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Clay and Ceramics Industry Divisional Branch is dissolved, members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Clay and Ceramics Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

83 - CLAY AND CERAMICS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Clay and Ceramics Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

84 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

85 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) Each officer within the Clay and Ceramics Industry Divisional Branch referred to in Rule 72 herein shall hold office until the elections of the Construction and General Division of the CFMEU are held in the year 2000, at which time elections for all offices within the Industry Divisional Branch shall also be held.

(b) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall, in the elction referred to in sub-clause (a) herein, be elected by and from all members of the Industry Divisional Branch. Each of the three Industry Divisional Branch Assistant Secretaries shall be elected by and from those members in each of the three corresponding states for which a designated Assistant Secretary's position exists.

(c) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

END OF RULES

[105N-BWIU: Incorporates alterations of 18/7/2002 in matter R2002/47]

I CERTIFY under section 207 of the Workplace Relations Act 1996 that the pages herein numbered 1 to 74 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member in the States and Territory of Queensland, New South Wales, South Australia, The Australian Capital Territory, Northern Territory, Tasmania and Western Australia, who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (ie 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

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

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

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

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

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

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

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for The Building Workers' Industrial Union of Australia (or any branch thereof) or used by or for The Operative Plasterers and Plaster Workers' Federation of Australia (or any branch thereof) or Federated Engine Drivers and Firemen's Association of Australasia (or any Branch thereof) any other Union (or branch thereof) which has amalgamated with this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the National Building and Construction Industry Award 1990 or any award of the Australian Industrial Relations Commission replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the Australian Industrial Relations Commission.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5 and/or 6, be entitled to all the benefits of membership.

2. Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for a period or amount arising before or after the certification of this rule change for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

   (a) absence from Australia;

   (b) inability to carry on a member's vocation or calling through illness or injury;

   (c) unemployment

   (d) without being limited by any of the foregoing, any other hardship, or prejudice or disadvantage;

   (e) periods on workers' compensations or on any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

   (f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Further provided that the former members of the Federal Council of the Operative Painters and Decorators Union shall, upon amalgamation, be and remain, until the general election, members of the Divisional Conference. Such persons shall remain delegates to the Divisional Conference until 2 January 1997. Thereafter, any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall be a member of the Divisional Conference.

Further provided that those persons from the former Construction Labourers, Plasterers and Painters and the Construction Workers Divisional Branches in Western Australia who were Divisional Branch Delegates to Divisional Conference immediately prior to the integration of those Divisional Branches occurring, shall be members of the Divisional Conference until 2 January, 2001.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Clay and Ceramics Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring

or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegates proxy.

(vii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that Divisional Branch entitlement to delegates shall be increased by the number of full-time Divisional Officers and full-time National Officers nominating as Divisional Conference delegates in that Divisional Branch in accordance with this sub-clause.

(viii) Six (6) delegates shall form a quorum of the Divisional Conference.

(ix) The expenses of delegates and Divisional Officers shall be paid by the Divisional Executive as follows: First class train fare with sleeper or, alternatively, plane fare. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(x) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xi) A Divisional Conference shall be held not later than December 31, 1993 and biennially thereafter at such place and time as the Divisional Executive shall decide.

(xii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiii) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xv) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, telegraphic, facsimile and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, as the case may be, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvi) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-papragraph xv) herein shall apply.

For the purposes of this sub-paragraph, any reference to a "matter or matters" shall be taken as a reference to a matter or matters raised with the Divisional Executive before or after the date upon which this sub-paragraph takes effect.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

   Further, there shall be, in addition to the above positions, until the conclusion of the Divisional Conference in 1997, as members of the Divisional Executive, the two (2) Divisional Branch Assistant Secretaries designated for the Painters in New South Wales and Victoria.

   Further provided that one (1) of the Joint Divisional Senior Vice-Presidents herein mentioned shall be the former Federal Secretary of the Operative Painters and Decorators Union of Australia who shall also be a full-time Officer of the Union and one of the Divisional Vice-Presidents herein mentioned shall be Mr. P. Waters. The aforementioned Joint Divisional Vice President and Divisional Vice President shall occupy these positions until the conclusion of the Divisional Conference in 1997.

   In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

   Further provided that the Divisional President mentioned herein shall be the former Divisional Secretary of the CFMEU FEDFA Division, Mr. Vic Fitzgerald, who, pursuant to National Rule 42A, took up this position from 27 September 1993 and shall hold same until the election of his successor at the 1997 Divisional Conference.

   Further, until the conclusion of the Divisional Conference following the elections in the year 2000, one of the Joint Divisional Senior Vice-Presidents referred to herein shall be a Joint Divisional Senior Vice-President (Builders' Labourer) who shall represent Construction Labourers' Divisional Branches. Such officer shall be elected in accordance with the procedure herein set out by and from the Delegates to Divisional Conference representing Construction Labourers' Divisional Branches. Where the Divisional Senior Vice-President (Builders Labourers) is a Divisional Branch Secretary of any Construction Labourers Divisional Branch pursuant to Rule 18, either the Divisional Branch Assistant Secretary or Divisional Branch President of that Divisional Branch, as determined by the Divisional Branch, shall be an additional delegate to the Divisional Executive and shall have all the rights and duties of other members of the Divisional Executive in accordance with this rule.

   Further provided that if any such Construction Labourers' Divisional Branch has integrated prior to any required election, Delegates representing Builders' Labourers' in such integrated Branch shall, for the purposes of the election described in this proviso be deemed to be Delegates from a Construction Labourers' Divisional Branch. For the purposes of this Rules the delegate formerly from the Tasmanian Construction Labourers' Divisional Branch and now from the Tasmanian Divisional Branch or his replacement shall be included as a delegate from a Construction Labourers' Divisional Branch.

Further provided that as a consequence of the restructuring of the FEDFA Division and Divisional Branches referred to in Rule 42A of the National Rules, the following persons shall, until the conclusion of the Divisional Conference in 1997, be members of the Divisional Executive from the date this Rule takes effect - Geoff Wilson and Graham Childs.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall be a member of the Divisional Executive.

Further provided that the Secretary of the Western Australia Construction Workers Divisional Branch and the Assistant Secretary of the Western Australia Construction Labourers, Plasterers and Painters Divisional Branch immediately prior to the integration of these Divisional Branches, being members of the Divisional Executive at the time of integration, shall continue as members of the Divisional Executive until 2 January 2001.

On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. (i) Notwithstanding the provisions of rule 9.2, where an officer who was elected to hold an office, the duties of which are of a full-time nature, is due to retire within twelve (12) months after the expiration of the period for which the officer was elected, the officer may remain in that office without being re-elected until retirement, provided that the following shall apply:-

(ii) Nominations shall not be called for filling that position held by that officer until the retirement is to take place.

(iii) The date of retirement of that officer shall be within twelve (12) months after the expiration of the officers' term of office.

(iv) The term of office of the officer elected to fill the office held by the retiring officer shall be until the date of the officers successor taking office after the next scheduled quadrennial election.

(v) Where a member being a candidate duly nominated for election to a full-time office is a person who, if elected, will hold that office for a period in excess of the normal term of office of 4 years by virtue of this sub rule, the ballot papers for the election shall indicate the maximum period for which, if elected, the member may so hold office.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

(b) The retirement age for a full time officer shall be at the end of the term of office during which the member attains the age of 65 years.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (ie., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs

of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

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

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

(n) To make, alter and rescind rules.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any any meeting shall be six. Notice of meetings may be given by letter or telegram or telex or facsimile or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11a)i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the clerical, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary that is not the designated Divisional Assistant Secretary in the case of the incumbent as at the date of certification of this rule amendment, may revert to an honorary office with the consent of that incumbent. Thereafter the office may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional President or the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

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

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in the States of Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Construction Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Construction Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Construction Labourers' Divisional Branch referred to above may continue to as long as is appropriate but not later than 1 July 1999. The Construction Labourers' Divisional Branch and the Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January 1998.

(iii) Notwithstanding any other Rule to the contrary, while the Construction Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Construction Labourers' Divisional Branch in the particular State.

(iv) On and from 31 March 1994, the officers of the CFMEU Building Unions Division, Construction Labourers' Divisional Branches shall be as follows:

(a) Queensland:

Divisional Branch President	Carl Purcell
" Vice President	Warren Lorberg
" Treasurer	Kevin Hughes
" Branch Secretary	Gregory Simcoe
" Trustees	John Edwards, Terry Dobinson
" Guardian	Michael Nash
" Committee of Management Members	Joseph Boom, John Buckley, Sam Gianoli, Terrence McIntyre
" Assistant Branch Secretary	Terrence McIntrye
" Organisers	John Edwards, Daryl Kerr, Darryl Pobje, Jonathon Steele, Brian MacNicol, Patrick Hogan, Jack Bekavak, Peter Sweet, Robert Henry, Terry Tye, John Christian (appointed not elected), Edward Puplett (appointed not elected)
" Delegates to Divisional Conference	Carl Purcell, Gregory Simcoe, Terrence McIntyre

(v) As soon as practicable, but not later than 30 June 1994, the Construction Labourers Divisional Branch shall call an election of officers who were appointed in accordance with the foregoing sub-rule save and except for those officers of the Western Australian Divisional Branch who were officers of the CFMEU prior to 31 March 1994.

For the purposes of nominations in any such election, the books of the Union shall close on 30 March 1994 and only persons who were financial members of the CFMEU, Building Unions Division, for each respective State at that date and are members of the Construction Labourers' Divisional Branch shall be able to nominate for any position. Further, in the case of the Western Australian Construction Labourers' Divisional Branch, only persons who are eligible for membership under National Rule 2(B) shall be entitled to nominate and vote for any such position. If a ballot is necessary, then persons who were, pursuant to Rule 4(vi) and the agreement between the Australian Building Construction Employees and Builders Labourers' Federation and various other State Builders Labourers' Federations admitted to membership of the CFMEU, Building Unions Division, and are members of the Construction Labourers' Divisional Branch in the particular State, and were financial at 31 March 1994 or later become financial and any person who later becomes a financial member shall be eligible to vote. Other than as herein prescribed, the election shall be conducted, with the necessary changes being made, in accordance with the Rules for the election of Divisional Branch Delegates to Divisional Conference. The term of office for the office bearers elected, pursuant to this Sub-Rule, to the offices referred to in Rule 18(c)(iv)(a), (b) and (c), shall expire at midnight 1st January 1997. The elections for those offices referred to in Rule 18 (c)(iv)(a), (b) and (c), the term of which commences on 2nd January 1997 and thereafter, shall be conducted in accordance with Rule 38 of the Building Unions Divisional Rules or Rule 17 of the National Rules, whichever is applicable.

(vi) While each Construction Labourers' Divisional Branch continues its separate existence, the demarcation between the Construction Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(vii) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(viii) Any reference in sub-paragraph (c) (iv and v) herein to the Building Unions Division, shall where the context permits, be taken to be a reference to the Conctruction and General Division.

(d) On and from the date of certification of this sub-rule, and until 2 January , 2001, the Officers of the CFMEU, Construction and General Division, Western Australia Divisional Branch shall be :-

Divisional Branch President	Kevin McParland
Divisional Branch Senior Vice President	Dave Simpson
Divisional Branch Vice President	Les Wellington
Divisional Branch Secretary	Kevin Reynolds
Divisional Branch Assistant Secretaries	Joe McDonald
	Kim Young
Divisional Branch Treasurer	Robert Olsen
Divisional Branch Trustees	Ian Hawkens
	Jim Reid
	Alan Williams
Divisional Branch Management Committee	Robert Manwaring
	Bernie Musial
	Brian Churchill
	Glen Hawkins
	Mick Holly
Divisional Branch Organisers	Mark Hudston
	Daron Smith
	Kevin Ennor
	Graham Pallot
	Dave King
	Jim Reid

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 361 Kent Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

24 - RECOVERY OF DUES

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

25 - LEVIES

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

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $20.00 and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $20.00.

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

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

(v) In no circumstances shall any levy or levies amounting to more than $20.00 in any calendar year be imposed on any member or members.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, telegram, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

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

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

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

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

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

If the votes are equal the question is resolved in the negative.

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

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

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

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

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

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

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

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

(e) CHAIR'S RULINGS

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

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Victoria, The Construction and General Division, Victorian Building Unions Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

(d) There shall be an Industry Divisional Branch to be known as the Clay and Ceramics Industry Divisional Branch. In the case of the Sub-Branches comprising the Clay and Ceramics Industry Divisional Branch, "The Construction and General Division, X (Clay and Ceramics) Sub-Branch where X is the State or Territory concerned".

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch.

Provided that in Western Australia membership shall be determined in accordance with Rule 18 herein and further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall be and remain members of the Australian Capital Territory Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Divisional Branch

(a) The record of members of the Victorian Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler

(x) fibrous plasterer/fibrous plaster industry worker

which shall be known as the member's designated classification.

(b) For the purpose of preparing the first record of members of the Victorian Divisional Branch in accordance with the provisions of paragraph (a) hereof the Victorian Divisional Branch Council shall:-

A. adopt the designated classification record of the BWIU, Victorian Branch immediately preceding the date of amalgamation; and

B. in relation to each member who joined the Victorian Divisional Branch between the date of amalgamation and the date of certification of this sub-rule, amend the record having first determined the designated classification of that member having regard to the criteria set out in Rule 32 (iii) (f) (i), (ii) and (iii), the information contained in existing records held by the Victorian Divisional Branch and such further information as the Victorian Divisional Branch Management Committee considers it necessary to obtain.

(c) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(d) In dealing with applications for membership the Victorian Divisional Branch Management Committee shall determine each new member's designated classification.

(e) The Victorian Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Divisional Branch accordingly.

(f) The Victorian Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(g) Where the Victorian Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Divisional Branch Management Committee considers appropriate.

(h) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(i) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Divisional Branch.

(iv) ACT Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the ACT Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the National Building and Construction Industry Award 1990 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

Each June and December the Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Notwithstanding the foregoing, a member of the Victorian Divisional Branch who was a member of the Operative Painters and Decorators Union on 25 March 1993 and had paid his/her membership contribution up to 28 February 1994 shall be deemed, for all purposes, to be financial for the period 1 March 1994 to 30 September 1994 on the payment by that member of his/her membership contribution calculated in accordance with this Rule for the half year commencing on 1 April 1994.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with an employer (including any Government Department) or any Bank, Building Society, Credit Union or other financial institution for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from the wages or monies payable to the member or from any account maintained by the member as the case may be, and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule; provided that the member was financial immediately prior to arranging such deduction.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or on an injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $2 per copy.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b) A member who has been financial for 12 months at the time of becoming unemployed or unfinancial for a period of more than three months through sickness or other reasonable cause may have any contribution, fee, levy or other arrear cancelled, waived, credited or otherwise diminished in whole or in part if, in the opinion and absolute discretion of the Divisional Branch Management Committee, such a course of conduct is appropriate. Provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

Any credit, cancellation, waiver or diminution so granted by the Divisional Branch Management Committee shall be deducted from the amount of contributions, fees, levies or arrears due and payable by the member on the records of the Union.

Such cancellation, waiver, credit or diminution may be granted for any period either before or after the certification of this Rule change or before or after any application or proper case being presented for such cancellation, waiver, credit or diminution.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

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

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Vice-President and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

Provided however that on and from 2 January 2001 or the declaration of the election in 2001, whichever is the later, the officers of the NSW Divisional Branch shall, in addition to those referred to in the preceding paragraph, include a second Divisional Branch Assistant Secretary.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President, two Divisional Branch Vice-Presidents, (which positions shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Tasmanian Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) In the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, three (3) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Construction Labourers Divsional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, two Divisional Branch Assistant Secretaries (one of whom shall be from the former Operative Plasterers and Plaster Workers Federation until 1997 and thereafter the position shall be designated Assistant Secretary (Plasterers), Divisional Branch Organisers, and Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Committee of Management.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the ACT Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisonal Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) In Victoria, the officers of the Divisional Branch shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vii) In South Australia the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, two (2) Divisional Branch Vice-Presidents, Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the South Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

(viii) Each Construction Labourers' Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Construction Labourers' Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Construction Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who is financial as provided for in Rule 6, at the time nominations are called and has financial membership of the Divisional Branch in accordance with the scale set out in this rule, may nominate for such positions according to this scale.

(ii) Provided that any member who has reached the age of 65 years may not nominate for any Divisional Branch Management Committee member or Divisional Branch Councillor position or any office provided for in these Rules.

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(v) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(vi) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vii) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	) 3 years'
Divisional Branch President and Vice President	) financial) membership
Divisional Branch Delegate to Divisional Conference	))
Divisional Branch Management Committee Member	)) 1 year's
District Secretary/Organiser Organiser	) financial) membership
Divisional Branch Councillor, representatives	) financial) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by certified post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary and that envelope shall contain only the following documents -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(ii) an empty unsealed pre-paid post envelope addressed to the Divisional Branch Returning Officer, c/- the numbered mail box referred to in this rule;

(iii) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Branch Returning Officer may consider necessary;

(iv) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(v) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by certified mail all ballot papers. Provided that the Divisional Branch Executive may prior to thecommencement of the ballot decide that certified mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election the books of the Divisional Branches shall be deemed to have closed as at 30th September in the year of the election. Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines prior to the 30th September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Branch Returning Officer that they have paid all contributions, levies and fines prior to the 30th September in the year of the election shall be entitled to receive a ballot paper and the Divisional Branch Returning Officer shall send by certified post, a ballot paper in accordance with sub-rule (n) of this rule.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

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

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: 25 councillors, 8 of which shall be carpenters, 4 builders labourers, 2 painters, 4 FEDFA (ie persons eligible pursuant to National Rule 2(E)), 2 plasterers, 1 glass worker, 1 stone mason, 1 slater and tiler, 1 bricklayer and 1 wall and floor tiler.

Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (ie members eligible pursuant to National Rule 2(E)), 9 of which shall be builders labourers (ie members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (ie members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	2000 - 2011 Inclusive 2014 - 2077 Inclusive 2079 - 2097 Inclusive 2099 - 2127 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive 2174 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2558 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2784 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2280 - 2287 Inclusive 2289 - 2295 Inclusive 2297 - 2307 Inclusive 2314 - 2315 2320 - 2323 Inclusive 2325 - 2327 Inclusive 2330 - 2331 2334 - 2335 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2540 - 2541

	2574 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii) In Queensland the State Management Committee of the Construction Workers Divisional Branch shall consist of twenty-one (21) members, including the Divisional Branch President (which position shall be honorary), Divisional Branch Secretary and three (3) Divisional Branch Assistant Secretaries. Each Divisional Branch Assistant Secretary shall be elected by and from those members who are eligible for membership of the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii); National Rule 2(A)(b) and National Rule 2(E) respectively. Provided however that in the event that the Assistant Secretary elected by and from the members eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii) is a plasterer, that person shall become Assistant Secretary (Plasterer) of the Divisional Branch. The Divisional Branch Secretary and the Divisional Branch President (Honorary) shall be elected by and from all members of the Divisional Branch who are eligible to nominate and vote. There shall be a further sixteen (16) members on the State Management Committee who shall be elected as follows;

(i) ten (10) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2 (A)(a)(i) and (ii);

(ii) two (2) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(A)(b);

(iii) five (5) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(E)

subject to the proviso relating to Divisional Branch President, as set out hereunder:

Provided that the number of Management Committee members elected from one of the above subgroups shall be reduced by one. The subgroup to reduced shall be that which corresponds to the eligibility of the Divisional Branch President.

Further provided that the Divisional Branch Management Committee shall elect from its members three (3) Divisional Branch Vice-Presidents and one of each of the Divisional Branch Vice-Presidents shall be elected from representatives of each of the categories of members referred to in this sub-paragraph.

In Queensland the Construction Labourers Divisional Branch Council shall for all purposes be and consist of the Construction Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Construction Labourers Divisional Branch Council and/or the Construction Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia

On and from the date of certification of this sub-rule and until 2 January 2001, in Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Divisional Branch Council members:

Peter Ballard
Peter Delaney
Kevin Ennor
Steve Evans
James Fox
Mark Hudston
Tony Kelly
Dave King
Ron Kinney
Tony Lovett
Peter McGraham
Kevin McGuire
Roy McIlwaine
Mick McMahon
Terry McParland
Peter Morrison
Graham Pallot
Daron Smith
Bob Wade
Paul Wrzos

On and from 2 January 2001 the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(vi) A. In Victoria the Divisional Branch Council shall be constituted in accordance with this paragraph.

B. The Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with these rules.

C. The Zone Delegates to Divisional Branch Council referred to in sub-paragraph B hereof shall be determined in accordance with the following formula:-

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Provided further that until 2 January, 1997 of the Zone Delegates for each zone at least 2 shall be tradespersons and at least 2 shall be labourers. In the event that the number of tradesperson candidates for Zone Delegates positions is less than the minimum number of tradesperson delegates for that zone, each position for which there is no tradesperson candidate shall be filled by a labourer. In the event that the number of labourer candidates for Zone Delegate positions is less than the minimum number of labourer delegates for that zone, each position for which there is no labourer candidate shall be filled by a tradesperson.

For the purposes of this sub-rule "tradesperson" shall mean a member whose designated classification is either carpenter, stonemason or tilelayer and "labourer" shall mean a member whose designated classification is labourer in accordance with sub-rule 30 (iii).

Further provided that on and from 2 January, 1997 the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

D. Subject to sub-rule (4) (c) hereof the zones shall be in accordance with the following:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "

Geelong	3211 - 3289 Inclusive 3292 - 3316 " 3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive 3317 - 3319 " 3342 - 3424 " 3444 - 3461 " 3464 - 3599 "
Northern Victoria	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive 3921 - 3925 " 3945 - 3971 " 3979 3984 - 3999 Inclusive

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and twenty five (25) other members. The twenty five other members shall be made up as follows;

8 carpenters, 4 builders labourers, 2 painters, 4 FEDFA (ie persons eligible pursuant to National Rule 2(E)), 2 plasterers, 1 glass worker, 1 stone mason, 1 slater and tiler, 1 bricklayer and 1 wall and floor tiler.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the 25 other members of the New South Wales Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of 3 members eligible pursuant to National Rule 2(E), 9 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 14 other members, consisting of 3 carpenters, 3 builders labourers, 3 FEDFA (ie those eligible for membership pursuant to National Rule 2(E)), and 2 members from the combined classifications of bricklayer, plasterer and painter together with three other members of the Divisional Branch engaged in any off-site fixed establishment in the State of Tasmania.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in Tasmania the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a) In the Construction Workers Divisional Branch in Queensland, there shall be elected by and from the members of the Queensland Divisional Branch Management Committee as set out in Rule 40 hereof a Divisional Branch Executive of not less than 6 members including the Divisional Branch President and Divisional Branch Secretary.

Such election shall be conducted, the necessary changes being made in accordance with Rule 9 of the Divisional Rules.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in the first paragraph in this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

On and from 2 January, 1997 in the Queensland Construction Workers Divisional Branch the Divisional Branch Executive shall consist of eight (8) members elected by and from the Divisional Branch Management Committee including the Divisional Branch President (Honorary), Divisional Branch Secretary and the three (3) Divisional Branch Assistant Secretaries and three (3) other Executive members who are not full-time officials. Divisional Branch Executive members who are not otherwise full-time officers of the Divisional Branch shall be elected from those members of the Divisional Branch Management Committee who are eligible for membership of the Union, the Division and the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii), National Rule 2(A)(b) and National Rule 2(E) and at least one member eligible in accordance with each of the aforementioned sub-rules shall occupy a position on the Divisional Branch Executive other than those occupied by the Divisional Branch Secretary and Divisional Branch Assistant Secretaries.

(b) Without affecting the term of office of persons holding office as Divisional Branch Executive members immediately prior to the date of certification of this sub-rule, the Divisional Branch Executive members of the Queensland Construction Labourers Divisional Branch shall, on and from 2 January, 1997 or the declaration of the election in 1996, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), 2 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, 2 Divisional Branch Assistant Secretaries (including Assistant Secretary (Plasterer)) and eleven other members. Provided however that there shall be at least 1 painter, 1 FEDFA (ie person eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and 1 other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in the Australian Capital Territory the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) In Victoria the Divisional Branch Management Committee shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and sixteen (16) others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

On and from the date of certification of this sub-rule, the Divisional Branch Management Committee shall also consist of one fibrous plasterer/fibrous plaster industry member.

(vii) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, two (2) Divisional Branch Vice-Presidents, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Treasurer, two (2) Divisional Branch Trustees, one other Committee of Management member and no less than two organisers. Provided however that the Divisional Branch Committee of Management may determine such additional elected organisers positions as it considers appropriate and further provided that of the two elected organisers at least one shall be elected by and from those persons eligible for membership of the former Construction Labourers Divisional Branch and the other shall be elected by and from those persons eligible for membership of the former Construction Workers Divisional Branch.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in South Australia the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the

Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, three (3) Divisonal Branch Management Committee members and three (3) Organisers (one of whom whall represent members eligible for membership of the former Construction Labourers Divisional Branch on the Divisional Branch Management Committee and one of whom shall represent members eligible for membership of the former Construction Workers Divisional Branch, on the Divisional Branch Management Committee).

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or telegram or telex or by telephone or verbally, provided that in the latter two instances, such is confirmed by letter or telegram or telex.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of Awards and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district.The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

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

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

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA)

(i) In the Victorian Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the three Divisional Branch Vice-Presidents, the Divisional Branch Secretary and the Divisional Branch Assistant Secretary.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned to him from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his guidance. He shall not enter debate on any question, but shall endeavour to bring the business to a satisfactory conclusion. He shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the Victorian Divisional Branch, the Queensland Construction Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q).

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers

in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall prepare and forward to the Industrial Registrar returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible, with the assistance of an Editorial Board elected by the Divisional Branch Management Committee, to assist in the production of the Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when

requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER (SOUTH AUSTRALIA)

In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with the Divisional Branch Secretary and Divisional Branch President sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable
opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance. The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of

the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE

(a) Order of Business:

1. Opening of meeting.

2. Reading and adoption of minutes of previous meeting.

3. Admission of new members.

4. Election of Officers.

5. Divisional Branch Management Committee minutes.

6. Adjourned business.

7. Reading of Correspondence.

8. Auditor's Report.

9. Report of delegates.

10. Secretary's Cash Account.

11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

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

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

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

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

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

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

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

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

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

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

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 - DEFINITIONS

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

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

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

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

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

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

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

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than twelve financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

CLAY AND CERAMICS INDUSTRY DIVISIONAL BRANCH RULES

70 - CLAY AND CERAMICS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Clay and Ceramics Industry Divisional Branch of the Construction and General Division to which all members who are eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Clay and Ceramics Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Clay and Ceramics Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia, together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Clay and Ceramics Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Clay and Ceramics Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Clay and Ceramics Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Clay and Ceramics Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) On and from the date of amalgamation, the officers of the Clay and Ceramics Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.).

(ii) (a) The Secretary of the Victorian Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch.

(b) The Secretary of the NSW Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(c) The Secretary of the W.A. Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Assistant Secretary (W.A.).

(d) The persons elected as organisers with the NSW and Victorian Branches of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Assistant Secretary (NSW) and Industry Divisional Branch Assistant Secretary (Victoria) respectively.

(iii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

(iv) (a) The Industry Divisional Branch Management Committee shall, at the first meeting following the amalgamation, elect from among its members an Industry Divisional Branch Vice -President (Honorary).

(b) The Industry Divisional Branch Vice President (Honorary) referred to in (a) above shall hold office until the election of his/her successor, which election shall occur as soon as practicable after the first election of the Industry Divisional Branch Management following the amalgamation.

(c) The Industry Divisional Branch Vice President (Honorary) shall be elected by and from the Industry Divisional Branch Management Committee as soon as practicable after the election of the Industry Divisional Branch Management Committee and shall hold office for a period of four years.

(d) The provisions of Rule 9, Divisional Executive, of these Divisional Rules relating to the election of the Divisional Officers and Divisional Executive shall apply, the necessary changes being made, to the election of the Industry Divisional Branch Vice President (Honorary). Provided however that the provisions of this rule relating to the timing of this election shally apply in lieu of like provisions in Rule 9.

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

On and from the date of amalgamation, the Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch Management Committee on a quota of one additional Management Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

Provided however that until the first election of Industry Divisional Branch Management Committee members following the amalgamation, those persons who were members of the Federal Executive of the FBTPU immediately prior to amalgamation, shall be members of the Industry Divisional Branch Management Committee.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

74 - SUB-BRANCH RULES

The Clay and Ceramics Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Clay and Ceramics Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Clay and Ceramics Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Clay and Ceramics Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) Upon amalgamation a capitation fee shall be paid by the Clay and Ceramics Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Clay and Ceramics Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - INDUSTRY DIVISIONAL BRANCH AND SUB BRANCH OFFICE FACILITIES

Notwithstanding the fact that by virtue of the amalgamation the assets of the FBTPU become the property of the amalgamated union, each Sub-Branch of the Clay and Ceramics Industry Divisional Branch shall have the right of continuing use and occupation of its existing premises where such premises were, as at the date of amalgamation, the property of the FBTPU.

79 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

80 - VARIATION TO RULES

The Clay and Ceramics Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Clay and Ceramics Industry Divisional Branch Management Committee

81 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Clay and Ceramics Industry Divisional Branch.

82 - DISSOLUTION OF BRANCH

(a) The Clay and Ceramics Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisonal Branch Management Committee or by a plebiscite of Industry Divisional Branch members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Clay and Ceramics Industry Divisional Branch, to close down or otherwise restructure the Clay and Ceramics Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Clay and Ceramics Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Clay and Ceramics Industry Divisional Branch is dissolved, members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Clay and Ceramics Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

83 - CLAY AND CERAMICS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Clay and Ceramics Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

84 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

85 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) Each officer within the Clay and Ceramics Industry Divisional Branch referred to in Rule 72 herein shall hold office until the elections of the Construction and General Division of the CFMEU are held in the year 2000, at which time elections for all offices within the Industry Divisional Branch shall also be held.

(b) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall, in the elction referred to in sub-clause (a) herein, be elected by and from all members of the Industry Divisional Branch. Each of the three Industry Divisional Branch Assistant Secretaries shall be elected by and from those members in each of the three corresponding states for which a designated Assistant Secretary's position exists.

(c) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

END OF RULES

[105N-BWIU: Incorporates alterations of 13/12/2002 in matter R2002/268]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 74 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member in the States and Territory of Queensland, New South Wales, South Australia, The Australian Capital Territory, Northern Territory, Tasmania and Western Australia, who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (ie 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

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

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

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

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

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

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

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for The Building Workers' Industrial Union of Australia (or any branch thereof) or used by or for The Operative Plasterers and Plaster Workers' Federation of Australia (or any branch thereof) or Federated Engine Drivers and Firemen's Association of Australasia (or any Branch thereof) any other Union (or branch thereof) which has amalgamated with this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the National Building and Construction Industry Award 1990 or any award of the Australian Industrial Relations Commission replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the Australian Industrial Relations Commission.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5 and/or 6, be entitled to all the benefits of membership.

2. Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for a period or amount arising before or after the certification of this rule change for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

   (a) absence from Australia;

   (b) inability to carry on a member's vocation or calling through illness or injury;

   (c) unemployment

   (d) without being limited by any of the foregoing, any other hardship, or prejudice or disadvantage;

   (e) periods on workers' compensations or on any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

   (f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Further provided that the former members of the Federal Council of the Operative Painters and Decorators Union shall, upon amalgamation, be and remain, until the general election, members of the Divisional Conference. Such persons shall remain delegates to the Divisional Conference until 2 January 1997. Thereafter, any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall be a member of the Divisional Conference.

Further provided that those persons from the former Construction Labourers, Plasterers and Painters and the Construction Workers Divisional Branches in Western Australia who were Divisional Branch Delegates to Divisional Conference immediately prior to the integration of those Divisional Branches occurring, shall be members of the Divisional Conference until 2 January, 2001.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Clay and Ceramics Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring

or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegates proxy.

(vii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that Divisional Branch entitlement to delegates shall be increased by the number of full-time Divisional Officers and full-time National Officers nominating as Divisional Conference delegates in that Divisional Branch in accordance with this sub-clause.

(viii) Six (6) delegates shall form a quorum of the Divisional Conference.

(ix) The expenses of delegates and Divisional Officers shall be paid by the Divisional Executive as follows: First class train fare with sleeper or, alternatively, plane fare. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(x) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xi) A Divisional Conference shall be held not later than December 31, 1993 and biennially thereafter at such place and time as the Divisional Executive shall decide.

(xii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiii) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xv) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, telegraphic, facsimile and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, as the case may be, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvi) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-papragraph xv) herein shall apply.

For the purposes of this sub-paragraph, any reference to a "matter or matters" shall be taken as a reference to a matter or matters raised with the Divisional Executive before or after the date upon which this sub-paragraph takes effect.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

   Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

   Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

   The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

   The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

   The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

   In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

   Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall be a member of the Divisional Executive.

   On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. (i) Notwithstanding the provisions of rule 9.2, where an officer who was elected to hold an office, the duties of which are of a full-time nature, is due to retire within twelve (12) months after the expiration of the period for which the officer was elected, the officer may remain in that office without being re-elected until retirement, provided that the following shall apply:-

(ii) Nominations shall not be called for filling that position held by that officer until the retirement is to take place.

(iii) The date of retirement of that officer shall be within twelve (12) months after the expiration of the officers' term of office.

(iv) The term of office of the officer elected to fill the office held by the retiring officer shall be until the date of the officers successor taking office after the next scheduled quadrennial election.

(v) Where a member being a candidate duly nominated for election to a full-time office is a person who, if elected, will hold that office for a period in excess of the normal term of office of 4 years by virtue of this sub rule, the ballot papers for the election shall indicate the maximum period for which, if elected, the member may so hold office.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

(b) The retirement age for a full time officer shall be at the end of the term of office during which the member attains the age of 65 years.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (ie., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

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

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

(n) To make, alter and rescind rules.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any any meeting shall be six. Notice of meetings may be given by letter or telegram or telex or facsimile or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11a)i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the clerical, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary that is not the designated Divisional Assistant Secretary in the case of the incumbent as at the date of certification of this rule amendment, may revert to an honorary office with the consent of that incumbent. Thereafter the office may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional President or the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

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

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in the States of Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Construction Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Construction Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2009. The Builders Labourers' Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January 2008.

(iii) Notwithstanding any other Rule to the contrary, while the Construction Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Construction Labourers' Divisional Branch in the particular State.

(iv) On and from 31 March 1994, the officers of the CFMEU Building Unions Division, Construction Labourers' Divisional Branches shall be as follows:

(a) Queensland:

Divisional Branch President	Carl Purcell
" Vice President	Warren Lorberg
" Treasurer	Kevin Hughes
" Branch Secretary	Gregory Simcoe
" Trustees	John Edwards, Terry Dobinson
" Guardian	Michael Nash
" Committee of Management Members	Joseph Boom, John Buckley, Sam Gianoli, Terrence McIntyre
" Assistant Branch Secretary	Terrence McIntrye
" Organisers	John Edwards, Daryl Kerr, Darryl Pobje, Jonathon Steele, Brian MacNicol, Patrick Hogan, Jack Bekavak, Peter Sweet, Robert Henry, Terry Tye, John Christian (appointed not elected), Edward Puplett (appointed not elected)
" Delegates to Divisional Conference	Carl Purcell, Gregory Simcoe, Terrence McIntyre

(v) As soon as practicable, but not later than 30 June 1994, the Construction Labourers Divisional Branch shall call an election of officers who were appointed in accordance with the foregoing sub-rule save and except for those officers of the Western Australian Divisional Branch who were officers of the CFMEU prior to 31 March 1994.

For the purposes of nominations in any such election, the books of the Union shall close on 30 March 1994 and only persons who were financial members of the CFMEU, Building Unions Division, for each respective State at that date and are members of the Construction Labourers' Divisional Branch shall be able to nominate for any position. Further, in the case of the Western Australian Construction Labourers' Divisional Branch, only persons who are eligible for membership under National Rule 2(B) shall be entitled to nominate and vote for any such position. If a ballot is necessary, then persons who were, pursuant to Rule 4(vi) and the agreement between the Australian Building Construction Employees and Builders Labourers' Federation and various other State Builders Labourers' Federations admitted to membership of the CFMEU, Building Unions Division, and are members of the Construction Labourers' Divisional Branch in the particular State, and were financial at 31 March 1994 or later become financial and any person who later becomes a financial member shall be eligible to vote. Other than as herein prescribed, the election shall be conducted, with the necessary changes being made, in accordance with the Rules for the election of Divisional Branch Delegates to Divisional Conference. The term of office for the office bearers elected, pursuant to this Sub-Rule, to the offices referred to in Rule 18(c)(iv)(a), (b) and (c), shall expire at midnight 1st January 1997. The elections for those offices referred to in Rule 18 (c)(iv)(a), (b) and (c), the term of which commences on 2nd January 1997 and thereafter, shall be conducted in accordance with Rule 38 of the Building Unions Divisional Rules or Rule 17 of the National Rules, whichever is applicable.

(vi) While each Construction Labourers' Divisional Branch continues its separate existence, the demarcation between the Construction Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(vii) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(viii) Any reference in sub-paragraph (c) (iv and v) herein to the Building Unions Division, shall where the context permits, be taken to be a reference to the Conctruction and General Division.

(d) On and from the date of certification of this sub-rule, and until 2 January , 2001, the Officers of the CFMEU, Construction and General Division, Western Australia Divisional Branch shall be :-

Divisional Branch President	Kevin McParland
Divisional Branch Senior Vice President	Dave Simpson
Divisional Branch Vice President	Les Wellington
Divisional Branch Secretary	Kevin Reynolds
Divisional Branch Assistant Secretaries	Joe McDonald
	Kim Young
Divisional Branch Treasurer	Robert Olsen
Divisional Branch Trustees	Ian Hawkens
	Jim Reid
	Alan Williams
Divisional Branch Management Committee	Robert Manwaring
	Bernie Musial
	Brian Churchill
	Glen Hawkins
	Mick Holly
Divisional Branch Organisers	Mark Hudston
	Daron Smith
	Kevin Ennor
	Graham Pallot
	Dave King
	Jim Reid

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 361 Kent Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

24 - RECOVERY OF DUES

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

25 - LEVIES

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

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $20.00 and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $20.00.

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

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

(v) In no circumstances shall any levy or levies amounting to more than $20.00 in any calendar year be imposed on any member or members.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, telegram, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

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

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

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

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

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

If the votes are equal the question is resolved in the negative.

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

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

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

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

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

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

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

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

(e) CHAIR'S RULINGS

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

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Victoria, The Construction and General Division, Victorian Building Unions Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

(d) There shall be an Industry Divisional Branch to be known as the Clay and Ceramics Industry Divisional Branch. In the case of the Sub-Branches comprising the Clay and Ceramics Industry Divisional Branch, "The Construction and General Division, X (Clay and Ceramics) Sub-Branch where X is the State or Territory concerned".

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch.

Provided that in Western Australia membership shall be determined in accordance with Rule 18 herein and further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall be and remain members of the Australian Capital Territory Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Divisional Branch

(a) The record of members of the Victorian Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler

(x) fibrous plasterer/fibrous plaster industry worker

which shall be known as the member's designated classification.

(b) For the purpose of preparing the first record of members of the Victorian Divisional Branch in accordance with the provisions of paragraph (a) hereof the Victorian Divisional Branch Council shall:-

A. adopt the designated classification record of the BWIU, Victorian Branch immediately preceding the date of amalgamation; and

B. in relation to each member who joined the Victorian Divisional Branch between the date of amalgamation and the date of certification of this sub-rule, amend the record having first determined the designated classification of that member having regard to the criteria set out in Rule 32 (iii) (f) (i), (ii) and (iii), the information contained in existing records held by the Victorian Divisional Branch and such further information as the Victorian Divisional Branch Management Committee considers it necessary to obtain.

(c) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(d) In dealing with applications for membership the Victorian Divisional Branch Management Committee shall determine each new member's designated classification.

(e) The Victorian Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Divisional Branch accordingly.

(f) The Victorian Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(g) Where the Victorian Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Divisional Branch Management Committee considers appropriate.

(h) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(i) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Divisional Branch.

(iv) ACT Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the ACT Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the National Building and Construction Industry Award 1990 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

Each June and December the Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Notwithstanding the foregoing, a member of the Victorian Divisional Branch who was a member of the Operative Painters and Decorators Union on 25 March 1993 and had paid his/her membership contribution up to 28 February 1994 shall be deemed, for all purposes, to be financial for the period 1 March 1994 to 30 September 1994 on the payment by that member of his/her membership contribution calculated in accordance with this Rule for the half year commencing on 1 April 1994.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with an employer (including any Government Department) or any Bank, Building Society, Credit Union or other financial institution for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from the wages or monies payable to the member or from any account maintained by the member as the case may be, and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule; provided that the member was financial immediately prior to arranging such deduction.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or on an injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $2 per copy.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b) A member who has been financial for 12 months at the time of becoming unemployed or unfinancial for a period of more than three months through sickness or other reasonable cause may have any contribution, fee, levy or other arrear cancelled, waived, credited or otherwise diminished in whole or in part if, in the opinion and absolute discretion of the Divisional Branch Management Committee, such a course of conduct is appropriate. Provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

Any credit, cancellation, waiver or diminution so granted by the Divisional Branch Management Committee shall be deducted from the amount of contributions, fees, levies or arrears due and payable by the member on the records of the Union.

Such cancellation, waiver, credit or diminution may be granted for any period either before or after the certification of this Rule change or before or after any application or proper case being presented for such cancellation, waiver, credit or diminution.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

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

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Vice-President and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

Provided however that on and from 2 January 2001 or the declaration of the election in 2001, whichever is the later, the officers of the NSW Divisional Branch shall, in addition to those referred to in the preceding paragraph, include a second Divisional Branch Assistant Secretary.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President, two Divisional Branch Vice-Presidents, (which positions shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Tasmanian Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) In the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, three (3) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Construction Labourers Divsional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, two Divisional Branch Assistant Secretaries (one of whom shall be from the former Operative Plasterers and Plaster Workers Federation until 1997 and thereafter the position shall be designated Assistant Secretary (Plasterers), Divisional Branch Organisers, and Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Committee of Management.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the ACT Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisonal Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) In Victoria, the officers of the Divisional Branch shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vii) In South Australia the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, two (2) Divisional Branch Vice-Presidents, Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the South Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

(viii) Each Construction Labourers' Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Construction Labourers' Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Construction Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who is financial as provided for in Rule 6, at the time nominations are called and has financial membership of the Divisional Branch in accordance with the scale set out in this rule, may nominate for such positions according to this scale.

(ii) Provided that any member who has reached the age of 65 years may not nominate for any Divisional Branch Management Committee member or Divisional Branch Councillor position or any office provided for in these Rules.

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(v) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(vi) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vii) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	) 3 years'
Divisional Branch President and Vice President	) financial) membership
Divisional Branch Delegate to Divisional Conference	))
Divisional Branch Management Committee Member	)) 1 year's
District Secretary/Organiser Organiser	) financial) membership
Divisional Branch Councillor, representatives	) financial) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by certified post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary and that envelope shall contain only the following documents -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(ii) an empty unsealed pre-paid post envelope addressed to the Divisional Branch Returning Officer, c/- the numbered mail box referred to in this rule;

(iii) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Branch Returning Officer may consider necessary;

(iv) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(v) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by certified mail all ballot papers. Provided that the Divisional Branch Executive may prior to thecommencement of the ballot decide that certified mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election the books of the Divisional Branches shall be deemed to have closed as at 30th September in the year of the election. Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines prior to the 30th September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Branch Returning Officer that they have paid all contributions, levies and fines prior to the 30th September in the year of the election shall be entitled to receive a ballot paper and the Divisional Branch Returning Officer shall send by certified post, a ballot paper in accordance with sub-rule (n) of this rule.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

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

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: 25 councillors, 8 of which shall be carpenters, 4 builders labourers, 2 painters, 4 FEDFA (ie persons eligible pursuant to National Rule 2(E)), 2 plasterers, 1 glass worker, 1 stone mason, 1 slater and tiler, 1 bricklayer and 1 wall and floor tiler.

Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (ie members eligible pursuant to National Rule 2(E)), 9 of which shall be builders labourers (ie members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (ie members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	2000 - 2011 Inclusive 2014 - 2077 Inclusive 2079 - 2097 Inclusive 2099 - 2127 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive 2174 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2558 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2784 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2280 - 2287 Inclusive 2289 - 2295 Inclusive 2297 - 2307 Inclusive 2314 - 2315 2320 - 2323 Inclusive 2325 - 2327 Inclusive 2330 - 2331 2334 - 2335 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2540 - 2541

	2574 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii) In Queensland the State Management Committee of the Construction Workers Divisional Branch shall consist of twenty-one (21) members, including the Divisional Branch President (which position shall be honorary), Divisional Branch Secretary and three (3) Divisional Branch Assistant Secretaries. Each Divisional Branch Assistant Secretary shall be elected by and from those members who are eligible for membership of the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii); National Rule 2(A)(b) and National Rule 2(E) respectively. Provided however that in the event that the Assistant Secretary elected by and from the members eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii) is a plasterer, that person shall become Assistant Secretary (Plasterer) of the Divisional Branch. The Divisional Branch Secretary and the Divisional Branch President (Honorary) shall be elected by and from all members of the Divisional Branch who are eligible to nominate and vote. There shall be a further sixteen (16) members on the State Management Committee who shall be elected as follows;

(i) ten (10) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2 (A)(a)(i) and (ii);

(ii) two (2) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(A)(b);

(iii) five (5) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(E)

subject to the proviso relating to Divisional Branch President, as set out hereunder:

Provided that the number of Management Committee members elected from one of the above subgroups shall be reduced by one. The subgroup to reduced shall be that which corresponds to the eligibility of the Divisional Branch President.

Further provided that the Divisional Branch Management Committee shall elect from its members three (3) Divisional Branch Vice-Presidents and one of each of the Divisional Branch Vice-Presidents shall be elected from representatives of each of the categories of members referred to in this sub-paragraph.

In Queensland the Construction Labourers Divisional Branch Council shall for all purposes be and consist of the Construction Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Construction Labourers Divisional Branch Council and/or the Construction Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia

On and from the date of certification of this sub-rule and until 2 January 2001, in Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Divisional Branch Council members:

Peter Ballard
Peter Delaney
Kevin Ennor
Steve Evans
James Fox
Mark Hudston
Tony Kelly
Dave King
Ron Kinney
Tony Lovett
Peter McGraham
Kevin McGuire
Roy McIlwaine
Mick McMahon
Terry McParland
Peter Morrison
Graham Pallot
Daron Smith
Bob Wade
Paul Wrzos

On and from 2 January 2001 the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(vi) A. In Victoria the Divisional Branch Council shall be constituted in accordance with this paragraph.

B. The Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with these rules.

C. The Zone Delegates to Divisional Branch Council referred to in sub-paragraph B hereof shall be determined in accordance with the following formula:-

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Provided further that until 2 January, 1997 of the Zone Delegates for each zone at least 2 shall be tradespersons and at least 2 shall be labourers. In the event that the number of tradesperson candidates for Zone Delegates positions is less than the minimum number of tradesperson delegates for that zone, each position for which there is no tradesperson candidate shall be filled by a labourer. In the event that the number of labourer candidates for Zone Delegate positions is less than the minimum number of labourer delegates for that zone, each position for which there is no labourer candidate shall be filled by a tradesperson.

For the purposes of this sub-rule "tradesperson" shall mean a member whose designated classification is either carpenter, stonemason or tilelayer and "labourer" shall mean a member whose designated classification is labourer in accordance with sub-rule 30 (iii).

Further provided that on and from 2 January, 1997 the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

D. Subject to sub-rule (4) (c) hereof the zones shall be in accordance with the following:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "

Geelong	3211 - 3289 Inclusive 3292 - 3316 " 3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive 3317 - 3319 " 3342 - 3424 " 3444 - 3461 " 3464 - 3599 "
Northern Victoria	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive 3921 - 3925 " 3945 - 3971 " 3979 3984 - 3999 Inclusive

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and twenty five (25) other members. The twenty five other members shall be made up as follows;

8 carpenters, 4 builders labourers, 2 painters, 4 FEDFA (ie persons eligible pursuant to National Rule 2(E)), 2 plasterers, 1 glass worker, 1 stone mason, 1 slater and tiler, 1 bricklayer and 1 wall and floor tiler.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the 25 other members of the New South Wales Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of 3 members eligible pursuant to National Rule 2(E), 9 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 14 other members, consisting of 3 carpenters, 3 builders labourers, 3 FEDFA (ie those eligible for membership pursuant to National Rule 2(E)), and 2 members from the combined classifications of bricklayer, plasterer and painter together with three other members of the Divisional Branch engaged in any off-site fixed establishment in the State of Tasmania.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in Tasmania the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a) In the Construction Workers Divisional Branch in Queensland, there shall be elected by and from the members of the Queensland Divisional Branch Management Committee as set out in Rule 40 hereof a Divisional Branch Executive of not less than 6 members including the Divisional Branch President and Divisional Branch Secretary.

Such election shall be conducted, the necessary changes being made in accordance with Rule 9 of the Divisional Rules.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in the first paragraph in this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

On and from 2 January, 1997 in the Queensland Construction Workers Divisional Branch the Divisional Branch Executive shall consist of eight (8) members elected by and from the Divisional Branch Management Committee including the Divisional Branch President (Honorary), Divisional Branch Secretary and the three (3) Divisional Branch Assistant Secretaries and three (3) other Executive members who are not full-time officials. Divisional Branch Executive members who are not otherwise full-time officers of the Divisional Branch shall be elected from those members of the Divisional Branch Management Committee who are eligible for membership of the Union, the Division and the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii), National Rule 2(A)(b) and National Rule 2(E) and at least one member eligible in accordance with each of the aforementioned sub-rules shall occupy a position on the Divisional Branch Executive other than those occupied by the Divisional Branch Secretary and Divisional Branch Assistant Secretaries.

(b) Without affecting the term of office of persons holding office as Divisional Branch Executive members immediately prior to the date of certification of this sub-rule, the Divisional Branch Executive members of the Queensland Construction Labourers Divisional Branch shall, on and from 2 January, 1997 or the declaration of the election in 1996, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), 2 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, 2 Divisional Branch Assistant Secretaries (including Assistant Secretary (Plasterer)) and eleven other members. Provided however that there shall be at least 1 painter, 1 FEDFA (ie person eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and 1 other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in the Australian Capital Territory the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) In Victoria the Divisional Branch Management Committee shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and sixteen (16) others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

On and from the date of certification of this sub-rule, the Divisional Branch Management Committee shall also consist of one fibrous plasterer/fibrous plaster industry member.

(vii) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, two (2) Divisional Branch Vice-Presidents, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Treasurer, two (2) Divisional Branch Trustees, one other Committee of Management member and no less than two organisers. Provided however that the Divisional Branch Committee of Management may determine such additional elected organisers positions as it considers appropriate and further provided that of the two elected organisers at least one shall be elected by and from those persons eligible for membership of the former Construction Labourers Divisional Branch and the other shall be elected by and from those persons eligible for membership of the former Construction Workers Divisional Branch.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in South Australia the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the

Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, three (3) Divisonal Branch Management Committee members and three (3) Organisers (one of whom whall represent members eligible for membership of the former Construction Labourers Divisional Branch on the Divisional Branch Management Committee and one of whom shall represent members eligible for membership of the former Construction Workers Divisional Branch, on the Divisional Branch Management Committee).

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or telegram or telex or by telephone or verbally, provided that in the latter two instances, such is confirmed by letter or telegram or telex.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of Awards and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district.The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

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

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

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA)

(i) In the Victorian Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the three Divisional Branch Vice-Presidents, the Divisional Branch Secretary and the Divisional Branch Assistant Secretary.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned to him from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his guidance. He shall not enter debate on any question, but shall endeavour to bring the business to a satisfactory conclusion. He shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the Victorian Divisional Branch, the Queensland Construction Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q).

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers

in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall prepare and forward to the Industrial Registrar returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible, with the assistance of an Editorial Board elected by the Divisional Branch Management Committee, to assist in the production of the Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when

requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER (SOUTH AUSTRALIA)

In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with the Divisional Branch Secretary and Divisional Branch President sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial trasnactions for the period since the immediately preceding meeting.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable
opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance. The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of

the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE

(a) Order of Business:

1. Opening of meeting.

2. Reading and adoption of minutes of previous meeting.

3. Admission of new members.

4. Election of Officers.

5. Divisional Branch Management Committee minutes.

6. Adjourned business.

7. Reading of Correspondence.

8. Auditor's Report.

9. Report of delegates.

10. Secretary's Cash Account.

11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

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

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

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

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

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

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

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

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

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

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

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 - DEFINITIONS

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

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

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

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

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

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

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

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than twelve financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

CLAY AND CERAMICS INDUSTRY DIVISIONAL BRANCH RULES

70 - CLAY AND CERAMICS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Clay and Ceramics Industry Divisional Branch of the Construction and General Division to which all members who are eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Clay and Ceramics Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Clay and Ceramics Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia, together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Clay and Ceramics Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Clay and Ceramics Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Clay and Ceramics Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Clay and Ceramics Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) On and from the date of amalgamation, the officers of the Clay and Ceramics Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.).

(ii) (a) The Secretary of the Victorian Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch.

(b) The Secretary of the NSW Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(c) The Secretary of the W.A. Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Assistant Secretary (W.A.).

(d) The persons elected as organisers with the NSW and Victorian Branches of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Assistant Secretary (NSW) and Industry Divisional Branch Assistant Secretary (Victoria) respectively.

(iii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

(iv) (a) The Industry Divisional Branch Management Committee shall, at the first meeting following the amalgamation, elect from among its members an Industry Divisional Branch Vice -President (Honorary).

(b) The Industry Divisional Branch Vice President (Honorary) referred to in (a) above shall hold office until the election of his/her successor, which election shall occur as soon as practicable after the first election of the Industry Divisional Branch Management following the amalgamation.

(c) The Industry Divisional Branch Vice President (Honorary) shall be elected by and from the Industry Divisional Branch Management Committee as soon as practicable after the election of the Industry Divisional Branch Management Committee and shall hold office for a period of four years.

(d) The provisions of Rule 9, Divisional Executive, of these Divisional Rules relating to the election of the Divisional Officers and Divisional Executive shall apply, the necessary changes being made, to the election of the Industry Divisional Branch Vice President (Honorary). Provided however that the provisions of this rule relating to the timing of this election shally apply in lieu of like provisions in Rule 9.

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

On and from the date of amalgamation, the Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch Management Committee on a quota of one additional Management Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

Provided however that until the first election of Industry Divisional Branch Management Committee members following the amalgamation, those persons who were members of the Federal Executive of the FBTPU immediately prior to amalgamation, shall be members of the Industry Divisional Branch Management Committee.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

74 - SUB-BRANCH RULES

The Clay and Ceramics Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Clay and Ceramics Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Clay and Ceramics Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Clay and Ceramics Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) Upon amalgamation a capitation fee shall be paid by the Clay and Ceramics Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Clay and Ceramics Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - INDUSTRY DIVISIONAL BRANCH AND SUB BRANCH OFFICE FACILITIES

Notwithstanding the fact that by virtue of the amalgamation the assets of the FBTPU become the property of the amalgamated union, each Sub-Branch of the Clay and Ceramics Industry Divisional Branch shall have the right of continuing use and occupation of its existing premises where such premises were, as at the date of amalgamation, the property of the FBTPU.

79 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

80 - VARIATION TO RULES

The Clay and Ceramics Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Clay and Ceramics Industry Divisional Branch Management Committee

81 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Clay and Ceramics Industry Divisional Branch.

82 - DISSOLUTION OF BRANCH

(a) The Clay and Ceramics Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisonal Branch Management Committee or by a plebiscite of Industry Divisional Branch members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Clay and Ceramics Industry Divisional Branch, to close down or otherwise restructure the Clay and Ceramics Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Clay and Ceramics Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Clay and Ceramics Industry Divisional Branch is dissolved, members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Clay and Ceramics Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

83 - CLAY AND CERAMICS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Clay and Ceramics Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

84 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

85 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) Each officer within the Clay and Ceramics Industry Divisional Branch referred to in Rule 72 herein shall hold office until the elections of the Construction and General Division of the CFMEU are held in the year 2000, at which time elections for all offices within the Industry Divisional Branch shall also be held.

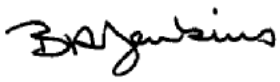
(b) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall, in the elction referred to in sub-clause (a) herein, be elected by and from all members of the Industry Divisional Branch. Each of the three Industry Divisional Branch Assistant Secretaries shall be elected by and from those members in each of the three corresponding states for which a designated Assistant Secretary's position exists.

(c) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

END OF RULES

[105N-BWIU: Incorporates alterations of 29/08/2003 in matter R2003/265]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 74 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches



DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member in the States and Territory of Queensland, New South Wales, South Australia, The Australian Capital Territory, Northern Territory, Tasmania and Western Australia, who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (ie 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

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

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

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

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

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

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

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for The Building Workers' Industrial Union of Australia (or any branch thereof) or used by or for The Operative Plasterers and Plaster Workers' Federation of Australia (or any branch thereof) or Federated Engine Drivers and Firemen's Association of Australasia (or any Branch thereof) any other Union (or branch thereof) which has amalgamated with this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the National Building and Construction Industry Award 1990 or any award of the Australian Industrial Relations Commission replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the Australian Industrial Relations Commission.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5 and/or 6, be entitled to all the benefits of membership.

2. Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for a period or amount arising before or after the certification of this rule change for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

   (a) absence from Australia;

   (b) inability to carry on a member's vocation or calling through illness or injury;

   (c) unemployment

   (d) without being limited by any of the foregoing, any other hardship, or prejudice or disadvantage;

   (e) periods on workers' compensations or on any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

   (f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Further provided that the former members of the Federal Council of the Operative Painters and Decorators Union shall, upon amalgamation, be and remain, until the general election, members of the Divisional Conference. Such persons shall remain delegates to the Divisional Conference until 2 January 1997. Thereafter, any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall be a member of the Divisional Conference.

Further provided that those persons from the former Construction Labourers, Plasterers and Painters and the Construction Workers Divisional Branches in Western Australia who were Divisional Branch Delegates to Divisional Conference immediately prior to the integration of those Divisional Branches occurring, shall be members of the Divisional Conference until 2 January, 2001.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Clay and Ceramics Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring

or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegates proxy.

(vii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that Divisional Branch entitlement to delegates shall be increased by the number of full-time Divisional Officers and full-time National Officers nominating as Divisional Conference delegates in that Divisional Branch in accordance with this sub-clause.

(viii) Six (6) delegates shall form a quorum of the Divisional Conference.

(ix) The expenses of delegates and Divisional Officers shall be paid by the Divisional Executive as follows: First class train fare with sleeper or, alternatively, plane fare. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(x) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xi) A Divisional Conference shall be held not later than December 31, 1993 and biennially thereafter at such place and time as the Divisional Executive shall decide.

(xii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiii) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xv) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, telegraphic, facsimile and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, as the case may be, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvi) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-papragraph xv) herein shall apply.

For the purposes of this sub-paragraph, any reference to a "matter or matters" shall be taken as a reference to a matter or matters raised with the Divisional Executive before or after the date upon which this sub-paragraph takes effect.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

   Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

   Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

   The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

   The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

   The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

   In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

   Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall be a member of the Divisional Executive.

   On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. (i) Notwithstanding the provisions of rule 9.2, where an officer who was elected to hold an office, the duties of which are of a full-time nature, is due to retire within twelve (12) months after the expiration of the period for which the officer was elected, the officer may remain in that office without being re-elected until retirement, provided that the following shall apply:-

(ii) Nominations shall not be called for filling that position held by that officer until the retirement is to take place.

(iii) The date of retirement of that officer shall be within twelve (12) months after the expiration of the officers' term of office.

(iv) The term of office of the officer elected to fill the office held by the retiring officer shall be until the date of the officers successor taking office after the next scheduled quadrennial election.

(v) Where a member being a candidate duly nominated for election to a full-time office is a person who, if elected, will hold that office for a period in excess of the normal term of office of 4 years by virtue of this sub rule, the ballot papers for the election shall indicate the maximum period for which, if elected, the member may so hold office.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

(b) The retirement age for a full time officer shall be at the end of the term of office during which the member attains the age of 65 years.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (ie., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

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

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

(n) To make, alter and rescind rules.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any any meeting shall be six. Notice of meetings may be given by letter or telegram or telex or facsimile or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11a)i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the clerical, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary that is not the designated Divisional Assistant Secretary in the case of the incumbent as at the date of certification of this rule amendment, may revert to an honorary office with the consent of that incumbent. Thereafter the office may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional President or the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

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

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in the States of Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Construction Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Construction Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2009. The Builders Labourers' Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January 2008.

(iii) Notwithstanding any other Rule to the contrary, while the Construction Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Construction Labourers' Divisional Branch in the particular State.

(iv) On and from 31 March 1994, the officers of the CFMEU Building Unions Division, Construction Labourers' Divisional Branches shall be as follows:

(a) Queensland:

Divisional Branch President	Carl Purcell
" Vice President	Warren Lorberg
" Treasurer	Kevin Hughes
" Branch Secretary	Gregory Simcoe
" Trustees	John Edwards, Terry Dobinson
" Guardian	Michael Nash
" Committee of Management Members	Joseph Boom, John Buckley, Sam Gianoli, Terrence McIntyre
" Assistant Branch Secretary	Terrence McIntrye
" Organisers	John Edwards, Daryl Kerr, Darryl Pobje, Jonathon Steele, Brian MacNicol, Patrick Hogan, Jack Bekavak, Peter Sweet, Robert Henry, Terry Tye, John Christian (appointed not elected), Edward Puplett (appointed not elected)
" Delegates to Divisional Conference	Carl Purcell, Gregory Simcoe, Terrence McIntyre

(v) As soon as practicable, but not later than 30 June 1994, the Construction Labourers Divisional Branch shall call an election of officers who were appointed in accordance with the foregoing sub-rule save and except for those officers of the Western Australian Divisional Branch who were officers of the CFMEU prior to 31 March 1994.

For the purposes of nominations in any such election, the books of the Union shall close on 30 March 1994 and only persons who were financial members of the CFMEU, Building Unions Division, for each respective State at that date and are members of the Construction Labourers' Divisional Branch shall be able to nominate for any position. Further, in the case of the Western Australian Construction Labourers' Divisional Branch, only persons who are eligible for membership under National Rule 2(B) shall be entitled to nominate and vote for any such position. If a ballot is necessary, then persons who were, pursuant to Rule 4(vi) and the agreement between the Australian Building Construction Employees and Builders Labourers' Federation and various other State Builders Labourers' Federations admitted to membership of the CFMEU, Building Unions Division, and are members of the Construction Labourers' Divisional Branch in the particular State, and were financial at 31 March 1994 or later become financial and any person who later becomes a financial member shall be eligible to vote. Other than as herein prescribed, the election shall be conducted, with the necessary changes being made, in accordance with the Rules for the election of Divisional Branch Delegates to Divisional Conference. The term of office for the office bearers elected, pursuant to this Sub-Rule, to the offices referred to in Rule 18(c)(iv)(a), (b) and (c), shall expire at midnight 1st January 1997. The elections for those offices referred to in Rule 18 (c)(iv)(a), (b) and (c), the term of which commences on 2nd January 1997 and thereafter, shall be conducted in accordance with Rule 38 of the Building Unions Divisional Rules or Rule 17 of the National Rules, whichever is applicable.

(vi) While each Construction Labourers' Divisional Branch continues its separate existence, the demarcation between the Construction Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(vii) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(viii) Any reference in sub-paragraph (c) (iv and v) herein to the Building Unions Division, shall where the context permits, be taken to be a reference to the Conctruction and General Division.

(d) On and from the date of certification of this sub-rule, and until 2 January , 2001, the Officers of the CFMEU, Construction and General Division, Western Australia Divisional Branch shall be :-

Divisional Branch President	Kevin McParland
Divisional Branch Senior Vice President	Dave Simpson
Divisional Branch Vice President	Les Wellington
Divisional Branch Secretary	Kevin Reynolds
Divisional Branch Assistant Secretaries	Joe McDonald
	Kim Young
Divisional Branch Treasurer	Robert Olsen
Divisional Branch Trustees	Ian Hawkens
	Jim Reid
	Alan Williams
Divisional Branch Management Committee	Robert Manwaring
	Bernie Musial
	Brian Churchill
	Glen Hawkins
	Mick Holly
Divisional Branch Organisers	Mark Hudston
	Daron Smith
	Kevin Ennor
	Graham Pallot
	Dave King
	Jim Reid

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 361 Kent Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

24 - RECOVERY OF DUES

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

25 - LEVIES

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

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $20.00 and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $20.00.

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

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

(v) In no circumstances shall any levy or levies amounting to more than $20.00 in any calendar year be imposed on any member or members.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, telegram, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

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

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

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

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

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

If the votes are equal the question is resolved in the negative.

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

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

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

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

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

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

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

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

(e) CHAIR'S RULINGS

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

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Victoria, The Construction and General Division, Victorian Building Unions Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

(d) There shall be an Industry Divisional Branch to be known as the Clay and Ceramics Industry Divisional Branch. In the case of the Sub-Branches comprising the Clay and Ceramics Industry Divisional Branch, "The Construction and General Division, X (Clay and Ceramics) Sub-Branch where X is the State or Territory concerned".

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch.

Provided that in Western Australia membership shall be determined in accordance with Rule 18 herein and further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall be and remain members of the Australian Capital Territory Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Divisional Branch

(a) The record of members of the Victorian Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler

(x) fibrous plasterer/fibrous plaster industry worker

which shall be known as the member's designated classification.

(b) For the purpose of preparing the first record of members of the Victorian Divisional Branch in accordance with the provisions of paragraph (a) hereof the Victorian Divisional Branch Council shall:-

A. adopt the designated classification record of the BWIU, Victorian Branch immediately preceding the date of amalgamation; and

B. in relation to each member who joined the Victorian Divisional Branch between the date of amalgamation and the date of certification of this sub-rule, amend the record having first determined the designated classification of that member having regard to the criteria set out in Rule 32 (iii) (f) (i), (ii) and (iii), the information contained in existing records held by the Victorian Divisional Branch and such further information as the Victorian Divisional Branch Management Committee considers it necessary to obtain.

(c) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(d) In dealing with applications for membership the Victorian Divisional Branch Management Committee shall determine each new member's designated classification.

(e) The Victorian Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Divisional Branch accordingly.

(f) The Victorian Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(g) Where the Victorian Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Divisional Branch Management Committee considers appropriate.

(h) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(i) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Divisional Branch.

(iv) ACT Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the ACT Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the National Building and Construction Industry Award 1990 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

Each June and December the Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Notwithstanding the foregoing, a member of the Victorian Divisional Branch who was a member of the Operative Painters and Decorators Union on 25 March 1993 and had paid his/her membership contribution up to 28 February 1994 shall be deemed, for all purposes, to be financial for the period 1 March 1994 to 30 September 1994 on the payment by that member of his/her membership contribution calculated in accordance with this Rule for the half year commencing on 1 April 1994.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with an employer (including any Government Department) or any Bank, Building Society, Credit Union or other financial institution for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from the wages or monies payable to the member or from any account maintained by the member as the case may be, and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule; provided that the member was financial immediately prior to arranging such deduction.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or on an injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $2 per copy.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b) A member who has been financial for 12 months at the time of becoming unemployed or unfinancial for a period of more than three months through sickness or other reasonable cause may have any contribution, fee, levy or other arrear cancelled, waived, credited or otherwise diminished in whole or in part if, in the opinion and absolute discretion of the Divisional Branch Management Committee, such a course of conduct is appropriate. Provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

Any credit, cancellation, waiver or diminution so granted by the Divisional Branch Management Committee shall be deducted from the amount of contributions, fees, levies or arrears due and payable by the member on the records of the Union.

Such cancellation, waiver, credit or diminution may be granted for any period either before or after the certification of this Rule change or before or after any application or proper case being presented for such cancellation, waiver, credit or diminution.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

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

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Vice-President and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

Provided however that on and from 2 January 2001 or the declaration of the election in 2001, whichever is the later, the officers of the NSW Divisional Branch shall, in addition to those referred to in the preceding paragraph, include a second Divisional Branch Assistant Secretary.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President, two Divisional Branch Vice-Presidents, (which positions shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Tasmanian Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) In the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, three (3) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Construction Labourers Divsional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, two Divisional Branch Assistant Secretaries (one of whom shall be from the former Operative Plasterers and Plaster Workers Federation until 1997 and thereafter the position shall be designated Assistant Secretary (Plasterers), Divisional Branch Organisers, and Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Committee of Management.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the ACT Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisonal Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) In Victoria, the officers of the Divisional Branch shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vii) In South Australia the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, two (2) Divisional Branch Vice-Presidents, Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the South Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

(viii) Each Construction Labourers' Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Construction Labourers' Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Construction Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) during the period of 12 months immediately preceding the calling of nominations was not unfinancial for a period longer than 3 months and

(C) has been a financial member of the Divisional Branch for the continuous period specified in the scale in sub-rule (a)(vii) herein immediately preceding the calling of nominations

may nominate for such positions according to that scale.

(ii) Provided that any member who has reached the age of 65 years may not nominate for any Divisional Branch Management Committee member or Divisional Branch Councillor position or any office provided for in these Rules.

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(v) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(vi) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vii) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	) 3 years'
Divisional Branch President and Vice President	) financial) membership
Divisional Branch Delegate to Divisional Conference	))
Divisional Branch Management Committee Member	)) 1 year's
District Secretary/Organiser Organiser	) financial) membership
Divisional Branch Councillor, representatives	) financial) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by certified post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary and that envelope shall contain only the following documents -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(ii) an empty unsealed pre-paid post envelope addressed to the Divisional Branch Returning Officer, c/- the numbered mail box referred to in this rule;

(iii) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Branch Returning Officer may consider necessary;

(iv) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(v) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by certified mail all ballot papers. Provided that the Divisional Branch Executive may prior to thecommencement of the ballot decide that certified mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election the books of the Divisional Branches shall be deemed to have closed as at 30th September in the year of the election. Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines prior to the 30th September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Branch Returning Officer that they have paid all contributions, levies and fines prior to the 30th September in the year of the election shall be entitled to receive a ballot paper and the Divisional Branch Returning Officer shall send by certified post, a ballot paper in accordance with sub-rule (n) of this rule.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

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

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: 25 councillors, 8 of which shall be carpenters, 4 builders labourers, 2 painters, 4 FEDFA (ie persons eligible pursuant to National Rule 2(E)), 2 plasterers, 1 glass worker, 1 stone mason, 1 slater and tiler, 1 bricklayer and 1 wall and floor tiler.

Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (ie members eligible pursuant to National Rule 2(E)), 9 of which shall be builders

labourers (ie members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (ie members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	2000 - 2011 Inclusive 2014 - 2077 Inclusive 2079 - 2097 Inclusive 2099 - 2127 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive 2174 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2558 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2784 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2280 - 2287 Inclusive 2289 - 2295 Inclusive 2297 - 2307 Inclusive 2314 - 2315 2320 - 2323 Inclusive 2325 - 2327 Inclusive 2330 - 2331 2334 - 2335 2421

Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2540 - 2541 2574 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii) In Queensland the State Management Committee of the Construction Workers Divisional Branch shall consist of twenty-one (21) members, including the Divisional Branch President (which position shall be honorary), Divisional Branch Secretary and three (3) Divisional Branch Assistant Secretaries. Each Divisional Branch Assistant Secretary shall be elected by and from those members who are eligible for membership of the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii); National Rule 2(A)(b) and National Rule 2(E) respectively. Provided however that in the event that the Assistant Secretary elected by and from the members eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii) is a plasterer, that person shall become Assistant Secretary (Plasterer) of the Divisional Branch. The Divisional Branch Secretary and the Divisional Branch President (Honorary) shall be elected by and from all members of the Divisional Branch who are eligible to nominate and vote. There shall be a further sixteen (16) members on the State Management Committee who shall be elected as follows;

(i) ten (10) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2 (A)(a)(i) and (ii);

(ii) two (2) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(A)(b);

(iii) five (5) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(E)

subject to the proviso relating to Divisional Branch President, as set out hereunder:

Provided that the number of Management Committee members elected from one of the above subgroups shall be reduced by one. The subgroup to reduced shall be that which corresponds to the eligibility of the Divisional Branch President.

Further provided that the Divisional Branch Management Committee shall elect from its members three (3) Divisional Branch Vice-Presidents and one of each of the Divisional Branch Vice-Presidents shall be elected from representatives of each of the categories of members referred to in this sub-paragraph.

In Queensland the Construction Labourers Divisional Branch Council shall for all purposes be and consist of the Construction Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Construction Labourers Divisional Branch Council and/or the Construction Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia

On and from the date of certification of this sub-rule and until 2 January 2001, in Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Divisional Branch Council members:

Peter Ballard
Peter Delaney
Kevin Ennor
Steve Evans
James Fox
Mark Hudston
Tony Kelly
Dave King
Ron Kinney
Tony Lovett
Peter McGraham
Kevin McGuire
Roy McIlwaine
Mick McMahon
Terry McParland
Peter Morrison
Graham Pallot
Daron Smith
Bob Wade
Paul Wrzos

On and from 2 January 2001 the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(vi) A. In Victoria the Divisional Branch Council shall be constituted in accordance with this paragraph.

B. The Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with these rules.

C. The Zone Delegates to Divisional Branch Council referred to in sub-paragraph B hereof shall be determined in accordance with the following formula:-

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Provided further that until 2 January, 1997 of the Zone Delegates for each zone at least 2 shall be tradespersons and at least 2 shall be labourers. In the event that the number of tradesperson candidates for Zone Delegates positions is less than the minimum number of tradesperson delegates for that zone, each position for which there is no tradesperson candidate shall be filled by a labourer. In the event that the number of labourer candidates for Zone Delegate positions is less than the minimum number of labourer delegates for that zone, each position for which there is no labourer candidate shall be filled by a tradesperson.

For the purposes of this sub-rule "tradesperson" shall mean a member whose designated classification is either carpenter, stonemason or tilelayer and "labourer" shall mean a member whose designated classification is labourer in accordance with sub-rule 30 (iii).

Further provided that on and from 2 January, 1997 the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

D. Subject to sub-rule (4) (c) hereof the zones shall be in accordance with the following:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "

	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3461 "
	3464 - 3599 "
Northern Victoria	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy

Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and twenty five (25) other members. The twenty five other members shall be made up as follows;

8 carpenters, 4 builders labourers, 2 painters, 4 FEDFA (ie persons eligible pursuant to National Rule 2(E)), 2 plasterers, 1 glass worker, 1 stone mason, 1 slater and tiler, 1 bricklayer and 1 wall and floor tiler.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the 25 other members of the New South Wales Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of 3 members eligible pursuant to National Rule 2(E), 9 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 14 other members, consisting of 3 carpenters, 3 builders labourers, 3 FEDFA (ie those eligible for membership pursuant to National Rule 2(E)), and 2 members from the combined classifications of bricklayer, plasterer and painter together with three other members of the Divisional Branch engaged in any off-site fixed establishment in the State of Tasmania.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in Tasmania the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a) In the Construction Workers Divisional Branch in Queensland, there shall be elected by and from the members of the Queensland Divisional Branch Management Committee as set out in Rule 40 hereof a Divisional Branch Executive of not less than 6 members including the Divisional Branch President and Divisional Branch Secretary.

Such election shall be conducted, the necessary changes being made in accordance with Rule 9 of the Divisional Rules.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in the first paragraph in this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

On and from 2 January, 1997 in the Queensland Construction Workers Divisional Branch the Divisional Branch Executive shall consist of eight (8) members elected by and from the Divisional Branch Management Committee including the Divisional Branch President (Honorary), Divisional Branch Secretary and the three (3) Divisional Branch Assistant Secretaries and three (3) other Executive members who are not full-time officials. Divisional Branch Executive members who are not otherwise full-time officers of the Divisional Branch shall be elected from those members of the Divisional Branch Management Committee who are eligible for membership of the Union, the Division and the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii), National Rule 2(A)(b) and National Rule 2(E) and at least one member eligible in accordance with each of the aforementioned sub-rules shall occupy a position on the Divisional Branch Executive other than those occupied by the Divisional Branch Secretary and Divisional Branch Assistant Secretaries.

(b) Without affecting the term of office of persons holding office as Divisional Branch Executive members immediately prior to the date of certification of this sub-rule, the Divisional Branch Executive members of the Queensland Construction Labourers Divisional Branch shall, on and from 2 January, 1997 or

the declaration of the election in 1996, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), 2 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, 2 Divisional Branch Assistant Secretaries (including Assistant Secretary (Plasterer)) and eleven other members. Provided however that there shall be at least 1 painter, 1 FEDFA (ie person eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and 1 other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in the Australian Capital Territory the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) In Victoria the Divisional Branch Management Committee shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and sixteen (16) others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

On and from the date of certification of this sub-rule, the Divisional Branch Management Committee shall also consist of one fibrous plasterer/fibrous plaster industry member.

(vii) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, two (2) Divisional Branch Vice-Presidents, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Treasurer, two (2) Divisional Branch Trustees, one other Committee of Management member and no less than two organisers. Provided however that the Divisional Branch Committee of Management may determine such additional elected organisers positions as it considers appropriate and further provided that of the two elected organisers at least one shall be elected by and from those persons eligible for membership of the former Construction Labourers Divisional Branch and the other shall be elected by and from those persons eligible for membership of the former Construction Workers Divisional Branch.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in South Australia the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, three (3) Divisonal Branch Management Committee members and three (3) Organisers (one of whom shall represent members eligible for membership of the former Construction Labourers Divisional Branch on the Divisional Branch Management Committee and one of whom shall represent members eligible for membership of the former Construction Workers Divisional Branch, on the Divisional Branch Management Committee).

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or telegram or telex or by telephone or verbally, provided that in the latter two instances, such is confirmed by letter or telegram or telex.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of Awards and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district.The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

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

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

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA)

(i) In the Victorian Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the three Divisional Branch Vice-Presidents, the Divisional Branch Secretary and the Divisional Branch Assistant Secretary.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned to him from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his guidance. He shall not enter debate on any question, but shall endeavour to bring the business to a satisfactory conclusion. He shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the Victorian Divisional Branch, the Queensland Construction Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q).

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers

in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall prepare and forward to the Industrial Registrar returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible, with the assistance of an Editorial Board elected by the Divisional Branch Management Committee, to assist in the production of the Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when

requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER (SOUTH AUSTRALIA)

In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with the Divisional Branch Secretary and Divisional Branch President sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial trasnactions for the period since the immediately preceding meeting.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable
opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance. The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of

the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE

(a) Order of Business:

1. Opening of meeting.

2. Reading and adoption of minutes of previous meeting.

3. Admission of new members.

4. Election of Officers.

5. Divisional Branch Management Committee minutes.

6. Adjourned business.

7. Reading of Correspondence.

8. Auditor's Report.

9. Report of delegates.

10. Secretary's Cash Account.

11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

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

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

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

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

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

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

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

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

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

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

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 - DEFINITIONS

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

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

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

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

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

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

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

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than twelve financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

CLAY AND CERAMICS INDUSTRY DIVISIONAL BRANCH RULES

70 - CLAY AND CERAMICS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Clay and Ceramics Industry Divisional Branch of the Construction and General Division to which all members who are eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Clay and Ceramics Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Clay and Ceramics Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia, together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Clay and Ceramics Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Clay and Ceramics Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Clay and Ceramics Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Clay and Ceramics Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) On and from the date of amalgamation, the officers of the Clay and Ceramics Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.).

(ii) (a) The Secretary of the Victorian Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch.

(b) The Secretary of the NSW Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(c) The Secretary of the W.A. Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Assistant Secretary (W.A.).

(d) The persons elected as organisers with the NSW and Victorian Branches of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Assistant Secretary (NSW) and Industry Divisional Branch Assistant Secretary (Victoria) respectively.

(iii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

(iv) (a) The Industry Divisional Branch Management Committee shall, at the first meeting following the amalgamation, elect from among its members an Industry Divisional Branch Vice -President (Honorary).

(b) The Industry Divisional Branch Vice President (Honorary) referred to in (a) above shall hold office until the election of his/her successor, which election shall occur as soon as practicable after the first election of the Industry Divisional Branch Management following the amalgamation.

(c) The Industry Divisional Branch Vice President (Honorary) shall be elected by and from the Industry Divisional Branch Management Committee as soon as practicable after the election of the Industry Divisional Branch Management Committee and shall hold office for a period of four years.

(d) The provisions of Rule 9, Divisional Executive, of these Divisional Rules relating to the election of the Divisional Officers and Divisional Executive shall apply, the necessary changes being made, to the election of the Industry Divisional Branch Vice President (Honorary). Provided however that the provisions of this rule relating to the timing of this election shally apply in lieu of like provisions in Rule 9.

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

On and from the date of amalgamation, the Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch Management Committee on a quota of one additional Management Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

Provided however that until the first election of Industry Divisional Branch Management Committee members following the amalgamation, those persons who were members of the Federal Executive of the FBTPU immediately prior to amalgamation, shall be members of the Industry Divisional Branch Management Committee.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

74 - SUB-BRANCH RULES

The Clay and Ceramics Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Clay and Ceramics Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Clay and Ceramics Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Clay and Ceramics Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) Upon amalgamation a capitation fee shall be paid by the Clay and Ceramics Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Clay and Ceramics Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - INDUSTRY DIVISIONAL BRANCH AND SUB BRANCH OFFICE FACILITIES

Notwithstanding the fact that by virtue of the amalgamation the assets of the FBTPU become the property of the amalgamated union, each Sub-Branch of the Clay and Ceramics Industry Divisional Branch shall have the right of continuing use and occupation of its existing premises where such premises were, as at the date of amalgamation, the property of the FBTPU.

79 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

80 - VARIATION TO RULES

The Clay and Ceramics Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Clay and Ceramics Industry Divisional Branch Management Committee

81 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Clay and Ceramics Industry Divisional Branch.

82 - DISSOLUTION OF BRANCH

(a) The Clay and Ceramics Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisonal Branch Management Committee or by a plebiscite of Industry Divisional Branch members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Clay and Ceramics Industry Divisional Branch, to close down or otherwise restructure the Clay and Ceramics Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Clay and Ceramics Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Clay and Ceramics Industry Divisional Branch is dissolved, members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Clay and Ceramics Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

83 - CLAY AND CERAMICS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Clay and Ceramics Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

84 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

85 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) Each officer within the Clay and Ceramics Industry Divisional Branch referred to in Rule 72 herein shall hold office until the elections of the Construction and General Division of the CFMEU are held in the year 2000, at which time elections for all offices within the Industry Divisional Branch shall also be held.

(b) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall, in the elction referred to in sub-clause (a) herein, be elected by and from all members of the Industry Divisional Branch. Each of the three Industry Divisional Branch Assistant Secretaries shall be elected by and from those members in each of the three corresponding states for which a designated Assistant Secretary's position exists.

(c) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

END OF RULES

[105N-BWIU: Incorporates alterations of 21/10/2003 in matter R2003/274]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 74 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member in the States and Territory of Queensland, New South Wales, South Australia, The Australian Capital Territory, Northern Territory, Tasmania and Western Australia, who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (ie 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

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

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

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

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

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

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

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for The Building Workers' Industrial Union of Australia (or any branch thereof) or used by or for The Operative Plasterers and Plaster Workers' Federation of Australia (or any branch thereof) or Federated Engine Drivers and Firemen's Association of Australasia (or any Branch thereof) any other Union (or branch thereof) which has amalgamated with this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the National Building and Construction Industry Award 1990 or any award of the Australian Industrial Relations Commission replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the Australian Industrial Relations Commission.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5 and/or 6, be entitled to all the benefits of membership.

2. Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for a period or amount arising before or after the certification of this rule change for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

   (a) absence from Australia;

   (b) inability to carry on a member's vocation or calling through illness or injury;

   (c) unemployment

   (d) without being limited by any of the foregoing, any other hardship, or prejudice or disadvantage;

   (e) periods on workers' compensations or on any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

   (f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Further provided that the former members of the Federal Council of the Operative Painters and Decorators Union shall, upon amalgamation, be and remain, until the general election, members of the Divisional Conference. Such persons shall remain delegates to the Divisional Conference until 2 January 1997. Thereafter, any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall be a member of the Divisional Conference.

Further provided that those persons from the former Construction Labourers, Plasterers and Painters and the Construction Workers Divisional Branches in Western Australia who were Divisional Branch Delegates to Divisional Conference immediately prior to the integration of those Divisional Branches occurring, shall be members of the Divisional Conference until 2 January, 2001.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Clay and Ceramics Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring

or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegates proxy.

(vii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that Divisional Branch entitlement to delegates shall be increased by the number of full-time Divisional Officers and full-time National Officers nominating as Divisional Conference delegates in that Divisional Branch in accordance with this sub-clause.

(viii) Six (6) delegates shall form a quorum of the Divisional Conference.

(ix) The expenses of delegates and Divisional Officers shall be paid by the Divisional Executive as follows: First class train fare with sleeper or, alternatively, plane fare. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(x) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xi) A Divisional Conference shall be held not later than December 31, 1993 and biennially thereafter at such place and time as the Divisional Executive shall decide.

(xii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiii) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xv) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, telegraphic, facsimile and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, as the case may be, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvi) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-papragraph xv) herein shall apply.

For the purposes of this sub-paragraph, any reference to a "matter or matters" shall be taken as a reference to a matter or matters raised with the Divisional Executive before or after the date upon which this sub-paragraph takes effect.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

   Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

   Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

   The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

   The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

   The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

   In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

   Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall be a member of the Divisional Executive.

   On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. (i) Notwithstanding the provisions of rule 9.2, where an officer who was elected to hold an office, the duties of which are of a full-time nature, is due to retire within twelve (12) months after the expiration of the period for which the officer was elected, the officer may remain in that office without being re-elected until retirement, provided that the following shall apply:-

(ii) Nominations shall not be called for filling that position held by that officer until the retirement is to take place.

(iii) The date of retirement of that officer shall be within twelve (12) months after the expiration of the officers' term of office.

(iv) The term of office of the officer elected to fill the office held by the retiring officer shall be until the date of the officers successor taking office after the next scheduled quadrennial election.

(v) Where a member being a candidate duly nominated for election to a full-time office is a person who, if elected, will hold that office for a period in excess of the normal term of office of 4 years by virtue of this sub rule, the ballot papers for the election shall indicate the maximum period for which, if elected, the member may so hold office.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

(b) The retirement age for a full time officer shall be at the end of the term of office during which the member attains the age of 65 years.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (ie., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

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

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

(n) To make, alter and rescind rules.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any any meeting shall be six. Notice of meetings may be given by letter or telegram or telex or facsimile or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11a)i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the clerical, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary that is not the designated Divisional Assistant Secretary in the case of the incumbent as at the date of certification of this rule amendment, may revert to an honorary office with the consent of that incumbent. Thereafter the office may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional President or the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

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

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in the States of Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Construction Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Construction Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2009. The Builders Labourers' Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January 2008.

(iii) Notwithstanding any other Rule to the contrary, while the Construction Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Construction Labourers' Divisional Branch in the particular State.

(iv) On and from 31 March 1994, the officers of the CFMEU Building Unions Division, Construction Labourers' Divisional Branches shall be as follows:

(a) Queensland:

Divisional Branch President	Carl Purcell
" Vice President	Warren Lorberg
" Treasurer	Kevin Hughes
" Branch Secretary	Gregory Simcoe
" Trustees	John Edwards, Terry Dobinson
" Guardian	Michael Nash
" Committee of Management Members	Joseph Boom, John Buckley, Sam Gianoli, Terrence McIntyre
" Assistant Branch Secretary	Terrence McIntrye
" Organisers	John Edwards, Daryl Kerr, Darryl Pobje, Jonathon Steele, Brian MacNicol, Patrick Hogan, Jack Bekavak, Peter Sweet, Robert Henry, Terry Tye, John Christian (appointed not elected), Edward Puplett (appointed not elected)
" Delegates to Divisional Conference	Carl Purcell, Gregory Simcoe, Terrence McIntyre

(v) As soon as practicable, but not later than 30 June 1994, the Construction Labourers Divisional Branch shall call an election of officers who were appointed in accordance with the foregoing sub-rule save and except for those officers of the Western Australian Divisional Branch who were officers of the CFMEU prior to 31 March 1994.

For the purposes of nominations in any such election, the books of the Union shall close on 30 March 1994 and only persons who were financial members of the CFMEU, Building Unions Division, for each respective State at that date and are members of the Construction Labourers' Divisional Branch shall be able to nominate for any position. Further, in the case of the Western Australian Construction Labourers' Divisional Branch, only persons who are eligible for membership under National Rule 2(B) shall be entitled to nominate and vote for any such position. If a ballot is necessary, then persons who were, pursuant to Rule 4(vi) and the agreement between the Australian Building Construction Employees and Builders Labourers' Federation and various other State Builders Labourers' Federations admitted to membership of the CFMEU, Building Unions Division, and are members of the Construction Labourers' Divisional Branch in the particular State, and were financial at 31 March 1994 or later become financial and any person who later becomes a financial member shall be eligible to vote. Other than as herein prescribed, the election shall be conducted, with the necessary changes being made, in accordance with the Rules for the election of Divisional Branch Delegates to Divisional Conference. The term of office for the office bearers elected, pursuant to this Sub-Rule, to the offices referred to in Rule 18(c)(iv)(a), (b) and (c), shall expire at midnight 1st January 1997. The elections for those offices referred to in Rule 18 (c)(iv)(a), (b) and (c), the term of which commences on 2nd January 1997 and thereafter, shall be conducted in accordance with Rule 38 of the Building Unions Divisional Rules or Rule 17 of the National Rules, whichever is applicable.

(vi) While each Construction Labourers' Divisional Branch continues its separate existence, the demarcation between the Construction Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(vii) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated

Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(viii) Any reference in sub-paragraph (c) (iv and v) herein to the Building Unions Division, shall where the context permits, be taken to be a reference to the Conctruction and General Division.

(d) On and from the date of certification of this sub-rule, and until 2 January , 2001, the Officers of the CFMEU, Construction and General Division, Western Australia Divisional Branch shall be :-

Divisional Branch President	Kevin McParland
Divisional Branch Senior Vice President	Dave Simpson
Divisional Branch Vice President	Les Wellington
Divisional Branch Secretary	Kevin Reynolds
Divisional Branch Assistant Secretaries	Joe McDonald
	Kim Young
Divisional Branch Treasurer	Robert Olsen
Divisional Branch Trustees	Ian Hawkens
	Jim Reid
	Alan Williams
Divisional Branch Management Committee	Robert Manwaring
	Bernie Musial
	Brian Churchill
	Glen Hawkins
	Mick Holly
Divisional Branch Organisers	Mark Hudston
	Daron Smith
	Kevin Ennor
	Graham Pallot
	Dave King
	Jim Reid

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner

outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 361 Kent Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

24 - RECOVERY OF DUES

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

25 - LEVIES

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

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $20.00 and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $20.00.

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

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

(v) In no circumstances shall any levy or levies amounting to more than $20.00 in any calendar year be imposed on any member or members.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, telegram, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

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

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

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

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

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

If the votes are equal the question is resolved in the negative.

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

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

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

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

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

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

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

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

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Victoria, The Construction and General Division, Victorian Building Unions Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

(d) There shall be an Industry Divisional Branch to be known as the Clay and Ceramics Industry Divisional Branch. In the case of the Sub-Branches comprising the Clay and Ceramics Industry Divisional Branch, "The Construction and General Division, X (Clay and Ceramics) Sub-Branch where X is the State or Territory concerned".

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch.

Provided that in Western Australia membership shall be determined in accordance with Rule 18 herein and further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall be and remain members of the Australian Capital Territory Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Divisional Branch

(a) The record of members of the Victorian Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler

(x) fibrous plasterer/fibrous plaster industry worker

which shall be known as the member's designated classification.

(b) For the purpose of preparing the first record of members of the Victorian Divisional Branch in accordance with the provisions of paragraph (a) hereof the Victorian Divisional Branch Council shall:-

A. adopt the designated classification record of the BWIU, Victorian Branch immediately preceding the date of amalgamation; and

B. in relation to each member who joined the Victorian Divisional Branch between the date of amalgamation and the date of certification of this sub-rule, amend the record having first determined the designated classification of that member having regard to the criteria set out in Rule 32 (iii) (f) (i), (ii) and (iii), the information contained in existing records held by the Victorian Divisional Branch and such further information as the Victorian Divisional Branch Management Committee considers it necessary to obtain.

(c) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(d) In dealing with applications for membership the Victorian Divisional Branch Management Committee shall determine each new member's designated classification.

(e) The Victorian Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Divisional Branch accordingly.

(f) The Victorian Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(g) Where the Victorian Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Divisional Branch Management Committee considers appropriate.

(h) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(i) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Divisional Branch.

(iv) ACT Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the ACT Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered

financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the National Building and Construction Industry Award 1990 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

Each June and December the Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Notwithstanding the foregoing, a member of the Victorian Divisional Branch who was a member of the Operative Painters and Decorators Union on 25 March 1993 and had paid his/her membership contribution up to 28 February 1994 shall be deemed, for all purposes, to be financial for the period 1 March 1994 to 30 September 1994 on the payment by that member of his/her membership contribution calculated in accordance with this Rule for the half year commencing on 1 April 1994.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with an employer (including any Government Department) or any Bank, Building Society, Credit Union or other financial institution for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from the wages or monies payable to the member or from any account maintained by the member as the case may be, and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule; provided that the member was financial immediately prior to arranging such deduction.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or on an injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $2 per copy.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b) A member who has been financial for 12 months at the time of becoming unemployed or unfinancial for a period of more than three months through sickness or other reasonable cause may have any contribution, fee, levy or other arrear cancelled, waived, credited or otherwise diminished in whole or in part if, in the opinion and absolute discretion of the Divisional Branch Management Committee, such a course of conduct is appropriate. Provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

Any credit, cancellation, waiver or diminution so granted by the Divisional Branch Management Committee shall be deducted from the amount of contributions, fees, levies or arrears due and payable by the member on the records of the Union.

Such cancellation, waiver, credit or diminution may be granted for any period either before or after the certification of this Rule change or before or after any application or proper case being presented for such cancellation, waiver, credit or diminution.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Vice-President and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

Provided however that on and from 2 January 2001 or the declaration of the election in 2001, whichever is the later, the officers of the NSW Divisional Branch shall, in addition to those referred to in the preceding paragraph, include a second Divisional Branch Assistant Secretary.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President, two Divisional Branch Vice-Presidents, (which positions shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Tasmanian Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) In the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, three (3) Divisional Branch Assistant

Secretaries, three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Construction Labourers Divsional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, two Divisional Branch Assistant Secretaries (one of whom shall be from the former Operative Plasterers and Plaster Workers Federation until 1997 and thereafter the position shall be designated Assistant Secretary (Plasterers), Divisional Branch Organisers, and Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Committee of Management.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the ACT Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisonal Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) In Victoria, the officers of the Divisional Branch shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vii) In South Australia the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, two (2) Divisional Branch Vice-Presidents, Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the South Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000,

whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

(viii) Each Construction Labourers' Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Construction Labourers' Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Construction Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) during the period of 12 months immediately preceding the calling of nominations was not unfinancial for a period longer than 3 months

(C) has been a financial member of the Divisional Branch for the continuous period specified in the scale in sub-rule (a)(vii) herein immediately preceding the calling of nominations and

(D) was, for not less than three quarters of the period of time from the date of certification of this sub-rule until the calling of nominations, or a total period of 9 months during the period of twelve months immediately preceding the calling of nominations, whichever is the lesser:

(i) employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch;

(ii) unemployed on account of illness, incapacity or inability to obtain employment; or

(iii) engaged in a full-time office in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto

may nominate for such positions according to that scale.

(ii) Provided that any member who has reached the age of 65 years may not nominate for any Divisional Branch Management Committee member or Divisional Branch Councillor position or any office provided for in these Rules.

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(v) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(vi) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vii) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	) 3 years'
Divisional Branch President and Vice President	) financial) membership
Divisional Branch Delegate to Divisional Conference	))
Divisional Branch Management Committee Member	)) 1 year's
District Secretary/Organiser Organiser	) financial) membership
Divisional Branch Councillor, representatives	) financial) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by certified post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary and that envelope shall contain only the following documents -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(ii) an empty unsealed pre-paid post envelope addressed to the Divisional Branch Returning Officer, c/- the numbered mail box referred to in this rule;

(iii) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Branch Returning Officer may consider necessary;

(iv) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(v) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by certified mail all ballot papers. Provided that the Divisional Branch Executive may prior to thecommencement of the ballot decide that certified mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election the books of the Divisional Branches shall be deemed to have closed as at 30th September in the year of the election. Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines prior to the 30th September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Branch Returning Officer that they have paid all contributions, levies and fines prior to the 30th September in the year of the election shall be entitled to receive a ballot paper and the Divisional Branch Returning Officer shall send by certified post, a ballot paper in accordance with sub-rule (n) of this rule.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the

number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: 25 councillors, 8 of which shall be carpenters, 4 builders labourers, 2 painters, 4 FEDFA (ie persons eligible pursuant to National Rule 2(E)), 2 plasterers, 1 glass worker, 1 stone mason, 1 slater and tiler, 1 bricklayer and 1 wall and floor tiler.

Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (ie members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (ie members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (ie members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	2000 - 2011 Inclusive 2014 - 2077 Inclusive 2079 - 2097 Inclusive 2099 - 2127 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive

	2174 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2558 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2784 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2280 - 2287 Inclusive 2289 - 2295 Inclusive 2297 - 2307 Inclusive 2314 - 2315 2320 - 2323 Inclusive 2325 - 2327 Inclusive 2330 - 2331 2334 - 2335 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2540 - 2541 2574 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii) In Queensland the State Management Committee of the Construction Workers Divisional Branch shall consist of twenty-one (21) members, including the Divisional Branch President (which position shall be honorary), Divisional Branch Secretary and three (3) Divisional Branch Assistant Secretaries. Each Divisional Branch Assistant Secretary shall be elected by and from those members who are eligible for membership of the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii); National Rule 2(A)(b) and National Rule 2(E) respectively. Provided however that in the event that the Assistant Secretary elected by and from the members eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii) is a plasterer, that person shall become Assistant Secretary (Plasterer) of the Divisional Branch. The Divisional Branch Secretary and the Divisional Branch President (Honorary) shall be elected by and from all members of the Divisional Branch who are eligible to nominate and vote. There shall be a further sixteen (16) members on the State Management Committee who shall be elected as follows;

(i) ten (10) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2 (A)(a)(i) and (ii);

(ii) two (2) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(A)(b);

(iii) five (5) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(E)

subject to the proviso relating to Divisional Branch President, as set out hereunder:

Provided that the number of Management Committee members elected from one of the above subgroups shall be reduced by one. The subgroup to reduced shall be that which corresponds to the eligibility of the Divisional Branch President.

Further provided that the Divisional Branch Management Committee shall elect from its members three (3) Divisional Branch Vice-Presidents and one of each of the Divisional Branch Vice-Presidents shall be elected from representatives of each of the categories of members referred to in this sub-paragraph.

In Queensland the Construction Labourers Divisional Branch Council shall for all purposes be and consist of the Construction Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Construction Labourers Divisional Branch Council and/or the Construction Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia

On and from the date of certification of this sub-rule and until 2 January 2001, in Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Divisional Branch Council members:

Peter Ballard
Peter Delaney
Kevin Ennor

Steve Evans
James Fox
Mark Hudston
Tony Kelly
Dave King
Ron Kinney
Tony Lovett
Peter McGraham
Kevin McGuire
Roy McIlwaine
Mick McMahon
Terry McParland
Peter Morrison
Graham Pallot
Daron Smith
Bob Wade
Paul Wrzos

On and from 2 January 2001 the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(vi) A. In Victoria the Divisional Branch Council shall be constituted in accordance with this paragraph.

B. The Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with these rules.

C. The Zone Delegates to Divisional Branch Council referred to in sub-paragraph B hereof shall be determined in accordance with the following formula:-

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Provided further that until 2 January, 1997 of the Zone Delegates for each zone at least 2 shall be tradespersons and at least 2 shall be labourers. In the event that the number of tradesperson candidates for Zone Delegates positions is less than the minimum number of tradesperson delegates for that zone, each position for which there is no tradesperson candidate shall be filled by a labourer. In the event that the number of labourer candidates for Zone Delegate positions is less than the

minimum number of labourer delegates for that zone, each position for which there is no labourer candidate shall be filled by a tradesperson.

For the purposes of this sub-rule "tradesperson" shall mean a member whose designated classification is either carpenter, stonemason or tilelayer and "labourer" shall mean a member whose designated classification is labourer in accordance with sub-rule 30 (iii).

Further provided that on and from 2 January, 1997 the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

D. Subject to sub-rule (4) (c) hereof the zones shall be in accordance with the following:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3461 "
	3464 - 3599 "
Northern Victoria	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and twenty five (25) other members. The twenty five other members shall be made up as follows;

8 carpenters, 4 builders labourers, 2 painters, 4 FEDFA (ie persons eligible pursuant to National Rule 2(E)), 2 plasterers, 1 glass worker, 1 stone mason, 1 slater and tiler, 1 bricklayer and 1 wall and floor tiler.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the 25 other members of the New South Wales Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of 3 members eligible pursuant to National Rule 2(E), 9 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 14 other members, consisting of 3 carpenters, 3 builders labourers, 3 FEDFA (ie those eligible for membership pursuant to National Rule 2(E)), and 2 members from the combined classifications of bricklayer, plasterer and painter together with three other members of the Divisional Branch engaged in any off-site fixed establishment in the State of Tasmania.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in Tasmania the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a) In the Construction Workers Divisional Branch in Queensland, there shall be elected by and from the members of the Queensland Divisional Branch Management Committee as set out in Rule 40 hereof a Divisional Branch Executive of not less than 6 members including the Divisional Branch President and Divisional Branch Secretary.

Such election shall be conducted, the necessary changes being made in accordance with Rule 9 of the Divisional Rules.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in the first paragraph in this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

On and from 2 January, 1997 in the Queensland Construction Workers Divisional Branch the Divisional Branch Executive shall consist of eight (8) members elected by and from the Divisional Branch Management Committee including the Divisional Branch President (Honorary), Divisional Branch Secretary and the three (3) Divisional Branch Assistant Secretaries and three (3) other Executive members who are not full-time officials. Divisional Branch Executive members who are not otherwise full-time officers of the Divisional Branch shall be elected from those members of the Divisional Branch Management Committee who are eligible for membership of the Union, the Division and the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii), National Rule 2(A)(b) and National Rule 2(E) and at least one member eligible in accordance with each of the aforementioned sub-rules shall occupy a position on the Divisional Branch Executive other than those occupied by the Divisional Branch Secretary and Divisional Branch Assistant Secretaries.

(b) Without affecting the term of office of persons holding office as Divisional Branch Executive members immediately prior to the date of certification of this sub-rule, the Divisional Branch Executive members of the Queensland Construction Labourers Divisional Branch shall, on and from 2 January, 1997 or the declaration of the election in 1996, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), 2 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, 2 Divisional Branch Assistant Secretaries (including Assistant Secretary (Plasterer)) and eleven other members. Provided however that there shall be at least 1 painter, 1 FEDFA (ie person eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and 1 other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in the Australian Capital Territory the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4

builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) In Victoria the Divisional Branch Management Committee shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and sixteen (16) others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

On and from the date of certification of this sub-rule, the Divisional Branch Management Committee shall also consist of one fibrous plasterer/fibrous plaster industry member.

(vii) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, two (2) Divisional Branch Vice-Presidents, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Treasurer, two (2) Divisional Branch Trustees, one other Committee of Management member and no less than two organisers. Provided however that the Divisional Branch Committee of Management may determine such additional elected organisers positions as it considers appropriate and further provided that of the two elected organisers at least one shall be elected by and from those persons eligible for membership of the former Construction Labourers Divisional Branch and the other shall be elected by and from those persons eligible for membership of the former Construction Workers Divisional Branch.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in South Australia the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, three (3) Divisonal Branch Management Committee members and three (3) Organisers (one of whom shall represent members eligible for membership of the former Construction Labourers Divisional Branch on the Divisional Branch Management Committee and one of whom shall represent members eligible for membership of the former Construction Workers Divisional Branch, on the Divisional Branch Management Committee).

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or telegram or telex or by telephone or verbally, provided that in the latter two instances, such is confirmed by letter or telegram or telex.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of Awards and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district.The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA)

(i) In the Victorian Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the three Divisional Branch Vice-Presidents, the Divisional Branch Secretary and the Divisional Branch Assistant Secretary.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned to him from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his guidance. He shall not enter debate on any question, but shall endeavour to bring the business to a satisfactory conclusion. He shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the Victorian Divisional Branch, the Queensland Construction Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q).

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall prepare and forward to the Industrial Registrar returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible, with the assistance of an Editorial Board elected by the Divisional Branch Management Committee, to assist in the production of the Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when

requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER (SOUTH AUSTRALIA)

In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with the Divisional Branch Secretary and Divisional Branch President sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial trasnactions for the period since the immediately preceding meeting.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable
opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance. The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and shall place the number 2,3,4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters; preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than twelve financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

CLAY AND CERAMICS INDUSTRY DIVISIONAL BRANCH RULES

70 - CLAY AND CERAMICS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Clay and Ceramics Industry Divisional Branch of the Construction and General Division to which all members who are eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Clay and Ceramics Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Clay and Ceramics Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia, together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Clay and Ceramics Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Clay and Ceramics Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Clay and Ceramics Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Clay and Ceramics Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) On and from the date of amalgamation, the officers of the Clay and Ceramics Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.).

(ii) (a) The Secretary of the Victorian Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch.

(b) The Secretary of the NSW Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(c) The Secretary of the W.A. Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Assistant Secretary (W.A.).

(d) The persons elected as organisers with the NSW and Victorian Branches of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Assistant Secretary (NSW) and Industry Divisional Branch Assistant Secretary (Victoria) respectively.

(iii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

(iv) (a) The Industry Divisional Branch Management Committee shall, at the first meeting following the amalgamation, elect from among its members an Industry Divisional Branch Vice -President (Honorary).

(b) The Industry Divisional Branch Vice President (Honorary) referred to in (a) above shall hold office until the election of his/her successor, which election shall occur as soon as practicable after the first election of the Industry Divisional Branch Management following the amalgamation.

(c) The Industry Divisional Branch Vice President (Honorary) shall be elected by and from the Industry Divisional Branch Management Committee as soon as practicable after the election of the Industry Divisional Branch Management Committee and shall hold office for a period of four years.

(d) The provisions of Rule 9, Divisional Executive, of these Divisional Rules relating to the election of the Divisional Officers and Divisional Executive shall apply, the necessary changes being made, to the election of the Industry Divisional Branch Vice President (Honorary). Provided however that the provisions of this rule relating to the timing of this election shally apply in lieu of like provisions in Rule 9.

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

On and from the date of amalgamation, the Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch Management Committee on a quota of one additional Management Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

Provided however that until the first election of Industry Divisional Branch Management Committee members following the amalgamation, those persons who were members of the Federal Executive of the FBTPU immediately prior to amalgamation, shall be members of the Industry Divisional Branch Management Committee.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

74 - SUB-BRANCH RULES

The Clay and Ceramics Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Clay and Ceramics Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Clay and Ceramics Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Clay and Ceramics Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) Upon amalgamation a capitation fee shall be paid by the Clay and Ceramics Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Clay and Ceramics Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - INDUSTRY DIVISIONAL BRANCH AND SUB BRANCH OFFICE FACILITIES

Notwithstanding the fact that by virtue of the amalgamation the assets of the FBTPU become the property of the amalgamated union, each Sub-Branch of the Clay and Ceramics Industry Divisional Branch shall have the right of continuing use and occupation of its existing premises where such premises were, as at the date of amalgamation, the property of the FBTPU.

79 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

80 - VARIATION TO RULES

The Clay and Ceramics Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Clay and Ceramics Industry Divisional Branch Management Committee

81 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Clay and Ceramics Industry Divisional Branch.

82 - DISSOLUTION OF BRANCH

(a) The Clay and Ceramics Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisonal Branch Management Committee or by a plebiscite of Industry Divisional Branch members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Clay and Ceramics Industry Divisional Branch, to close down or otherwise restructure the Clay and Ceramics Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Clay and Ceramics Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Clay and Ceramics Industry Divisional Branch is dissolved, members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Clay and Ceramics Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

83 - CLAY AND CERAMICS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Clay and Ceramics Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

84 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

85 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) Each officer within the Clay and Ceramics Industry Divisional Branch referred to in Rule 72 herein shall hold office until the elections of the Construction and General Division of the CFMEU are held in the year 2000, at which time elections for all offices within the Industry Divisional Branch shall also be held.

(b) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall, in the elction referred to in sub-clause (a) herein, be elected by and from all members of the Industry Divisional Branch. Each of the three Industry Divisional Branch Assistant Secretaries shall be elected by and from those members in each of the three corresponding states for which a designated Assistant Secretary's position exists.

(c) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

END OF RULES

[105N-BWIU: Incorporates alterations of 28/10/03 in matter R2003/60]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 80 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member in the States and Territory of Queensland, New South Wales, South Australia, The Australian Capital Territory, Northern Territory, Tasmania, Victoria, and Western Australia, who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (ie 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for The Building Workers' Industrial Union of Australia (or any branch thereof) or used by or for The Operative Plasterers and Plaster Workers' Federation of Australia (or any branch thereof) or Federated Engine Drivers and Firemen's Association of Australasia (or any Branch thereof) any other Union (or branch thereof) which has amalgamated with this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the National Building and Construction Industry Award 1990 or any award of the Australian Industrial Relations Commission replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the Australian Industrial Relations Commission.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5 and/or 6, be entitled to all the benefits of membership.

2. Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for a period or amount arising before or after the certification of this rule change for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

   (a) absence from Australia;

   (b) inability to carry on a member's vocation or calling through illness or injury;

   (c) unemployment

   (d) without being limited by any of the foregoing, any other hardship, or prejudice or disadvantage;

   (e) periods on workers' compensations or on any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

   (f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Further provided that the former members of the Federal Council of the Operative Painters and Decorators Union shall, upon amalgamation, be and remain, until the general election, members of the Divisional Conference. Such persons shall remain delegates to the Divisional Conference until 2 January 1997. Thereafter, any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall be a member of the Divisional Conference.

Further provided that those persons from the former Construction Labourers, Plasterers and Painters and the Construction Workers Divisional Branches in Western Australia who were Divisional Branch Delegates to Divisional Conference immediately prior to the integration of those Divisional Branches occurring, shall be members of the Divisional Conference until 2 January, 2001.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Clay and Ceramics Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring

or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegates proxy.

(vii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that Divisional Branch entitlement to delegates shall be increased by the number of full-time Divisional Officers and full-time National Officers nominating as Divisional Conference delegates in that Divisional Branch in accordance with this sub-clause.

(viii) Six (6) delegates shall form a quorum of the Divisional Conference.

(ix) The expenses of delegates and Divisional Officers shall be paid by the Divisional Executive as follows: First class train fare with sleeper or, alternatively, plane fare. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(x) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xi) A Divisional Conference shall be held not later than December 31, 1993 and biennially thereafter at such place and time as the Divisional Executive shall decide.

(xii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiii) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xv) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, telegraphic, facsimile and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, as the case may be, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvi) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-papragraph xv) herein shall apply.

For the purposes of this sub-paragraph, any reference to a "matter or matters" shall be taken as a reference to a matter or matters raised with the Divisional Executive before or after the date upon which this sub-paragraph takes effect.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

   Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

   Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

   The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

   The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

   The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

   In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

   Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall be a member of the Divisional Executive.

   On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. (i) Notwithstanding the provisions of rule 9.2, where an officer who was elected to hold an office, the duties of which are of a full-time nature, is due to retire within twelve (12) months after the expiration of the period for which the officer was elected, the officer may remain in that office without being re-elected until retirement, provided that the following shall apply:-

(ii) Nominations shall not be called for filling that position held by that officer until the retirement is to take place.

(iii) The date of retirement of that officer shall be within twelve (12) months after the expiration of the officers' term of office.

(iv) The term of office of the officer elected to fill the office held by the retiring officer shall be until the date of the officers successor taking office after the next scheduled quadrennial election.

(v) Where a member being a candidate duly nominated for election to a full-time office is a person who, if elected, will hold that office for a period in excess of the normal term of office of 4 years by virtue of this sub rule, the ballot papers for the election shall indicate the maximum period for which, if elected, the member may so hold office.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

(b) The retirement age for a full time officer shall be at the end of the term of office during which the member attains the age of 65 years.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (ie., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any any meeting shall be six. Notice of meetings may be given by letter or telegram or telex or facsimile or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11a)i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the clerical, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary that is not the designated Divisional Assistant Secretary in the case of the incumbent as at the date of certification of this rule amendment, may revert to an honorary office with the consent of that incumbent. Thereafter the office may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional President or the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in the States of Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Construction Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Construction Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2009. The Builders Labourers' Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January 2008.

(iii) Notwithstanding any other Rule to the contrary, while the Construction Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Construction Labourers' Divisional Branch in the particular State.

(iv) On and from 31 March 1994, the officers of the CFMEU Building Unions Division, Construction Labourers' Divisional Branches shall be as follows:

(a) Queensland:

Divisional Branch President	Carl Purcell
" Vice President	Warren Lorberg
" Treasurer	Kevin Hughes
" Branch Secretary	Gregory Simcoe
" Trustees	John Edwards, Terry Dobinson
" Guardian	Michael Nash
" Committee of Management Members	Joseph Boom, John Buckley, Sam Gianoli, Terrence McIntyre
" Assistant Branch Secretary	Terrence McIntrye
" Organisers	John Edwards, Daryl Kerr, Darryl Pobje, Jonathon Steele, Brian MacNicol, Patrick Hogan, Jack Bekavak, Peter Sweet, Robert Henry, Terry Tye, John Christian (appointed not elected), Edward Puplett (appointed not elected)
" Delegates to Divisional Conference	Carl Purcell, Gregory Simcoe, Terrence McIntyre

(v) As soon as practicable, but not later than 30 June 1994, the Construction Labourers Divisional Branch shall call an election of officers who were appointed in accordance with the foregoing sub-rule save and except for those officers of the Western Australian Divisional Branch who were officers of the CFMEU prior to 31 March 1994.

For the purposes of nominations in any such election, the books of the Union shall close on 30 March 1994 and only persons who were financial members of the CFMEU, Building Unions Division, for each respective State at that date and are members of the Construction Labourers' Divisional Branch shall be able to nominate for any position. Further, in the case of the Western Australian Construction Labourers' Divisional Branch, only persons who are eligible for membership under National Rule 2(B) shall be entitled to nominate and vote for any such position. If a ballot is necessary, then persons who were, pursuant to Rule 4(vi) and the agreement between the Australian Building Construction Employees and Builders Labourers' Federation and various other State Builders Labourers' Federations admitted to membership of the CFMEU, Building Unions Division, and are members of the Construction Labourers' Divisional Branch in the particular State, and were financial at 31 March 1994 or later become financial and any person who later becomes a financial member shall be eligible to vote. Other than as herein prescribed, the election shall be conducted, with the necessary changes being made, in accordance with the Rules for the election of Divisional Branch Delegates to Divisional Conference. The term of office for the office bearers elected, pursuant to this Sub-Rule, to the offices referred to in Rule 18(c)(iv)(a), (b) and (c), shall expire at midnight 1st January 1997. The elections for those offices referred to in Rule 18 (c)(iv)(a), (b) and (c), the term of which commences on 2nd January 1997 and thereafter, shall be conducted in accordance with Rule 38 of the Building Unions Divisional Rules or Rule 17 of the National Rules, whichever is applicable.

(vi) While each Construction Labourers' Divisional Branch continues its separate existence, the demarcation between the Construction Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(vii) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated

Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(viii) Any reference in sub-paragraph (c) (iv and v) herein to the Building Unions Division, shall where the context permits, be taken to be a reference to the Construction and General Division.

(d) On and from the date of certification of this sub-rule, and until 2 January , 2001, the Officers of the CFMEU, Construction and General Division, Western Australia Divisional Branch shall be :-

Divisional Branch President	Kevin McParland
Divisional Branch Senior Vice President	Dave Simpson
Divisional Branch Vice President	Les Wellington
Divisional Branch Secretary	Kevin Reynolds
Divisional Branch Assistant Secretaries	Joe McDonald
	Kim Young
Divisional Branch Treasurer	Robert Olsen
Divisional Branch Trustees	Ian Hawkens
	Jim Reid
	Alan Williams
Divisional Branch Management Committee	Robert Manwaring
	Bernie Musial
	Brian Churchill
	Glen Hawkins
	Mick Holly
Divisional Branch Organisers	Mark Hudston
	Daron Smith
	Kevin Ennor
	Graham Pallot
	Dave King
	Jim Reid

(e) Victoria

(i) In the State of Victoria there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Victorian Building Unions Divisional Branch and the CFMEU, Construction and General Division, Victorian FEDFA Divisional Branch respectively. The Victorian FEDFA Divisional Branch shall consist of all Victorian members eligible for membership of the Division by virtue of rule 2(E) of the National Rules. All members of the Division in the State of Victoria who are not members of the Victorian FEDFA Divisional Branch shall be in the Building Unions Divisional Branch.

(ii) The Victorian FEDFA Divisional Branch referred to above may continue to exist for as long as is appropriate but no later than 30 September 2005. The two Victorian Divisional Branches shall effect restructuring by merging into a single Divisional Branch in Victoria by no later than 30 September 2005 and shall commence discussions on the terms of such merger upon the creation of the Victorian FEDFA Divisional Branch.

(iii) On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the Officers of the CFMEU, Construction and

General Division, Victorian FEDFA Divisional Branch shall be:

President	Noel Washington
Vice President	Maurie Hill
Secretary	Tom Watson
Assistant Secretary	Ray Hallett
Divisional Branch Management Committee Members	Bill Neilson Jan Kadziela Steve Long Peter Andriske
Organisers	Colin Stewart Peter Andriske Maurie Hill Ken Johns
Organisers' representative on Divisional Branch Management Committee	Ken Johns
Divisional Branch Delegate/s to Divisional Conference	Noel Washington Tom Watson Bill Neilson

Thereafter, should the Divisional Branch continue to exist, the Officers of the Divisional Branch shall consist of Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (if deemed necessary by the Divisional Branch Management Committee), Divisional Branch Vice President (if deemed necessary by the Divisional Branch Management Committee) and Divisional Branch Management Committee members, and such Organisers as may be determined necessary as the Divisional Branch Council from time to time determines.

(iv) Notwithstanding any other rule to the contrary, while the Victorian FEDFA Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Victorian FEDFA Divisional Branch.

(v) The funds, property, assets and liabilities of or under the control of the CFMEU FEDFA Division, Victorian Divisional Branch, as they existed immediately prior to the certification of this sub-rule, shall be and become the funds, property, assets and liabilities of or under the control of the CFMEU Construction and General Division, Victorian FEDFA Divisional Branch immediately upon the certification of this sub-rule.

(f) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 361 Kent Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $20.00 and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $20.00.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $20.00 in any calendar year be imposed on any member or members.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, telegram, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland and Victoria in accordance with Rule 18 of these rules.

(c) There shall be an Industry Divisional Branch to be known as the Clay and Ceramics Industry Divisional Branch. In the case of the Sub-Branches comprising the Clay and Ceramics Industry Divisional Branch, "The Construction and General Division, X (Clay and Ceramics) Sub-Branch where X is the State or Territory concerned".

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that in Western Australia membership shall be determined in accordance with Rule 18 herein and further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall be and remain members of the Australian Capital Territory Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Building Unions Divisional Branch

(a) The record of members of the Victorian Building Unions Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;

(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker

which shall be known as the member's designated classification.

(b) For the purpose of preparing the first record of members of the Victorian Building Unions Divisional Branch in accordance with the provisions of paragraph (a) hereof the Victorian Building Unions Divisional Branch Council shall:-

A. adopt the designated classification record of the BWIU, Victorian Branch immediately preceding the date of amalgamation; and

B. in relation to each member who joined the Victorian Building Unions Divisional Branch between the date of amalgamation and the date of certification of this sub-rule, amend the record having first determined the designated classification of that member having regard to the criteria set out in Rule 32 (iii) (f) (i), (ii) and (iii), the information contained in existing records held by the Victorian Building Unions Divisional Branch and such further information as the Victorian Building Divisional Branch Management Committee considers it necessary to obtain.

(c) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(d) In dealing with applications for membership the Victorian Building Unions Divisional Branch Management Committee shall determine each new member's designated classification.

(e) The Victorian Building Unions Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Building Unions Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Building Unions Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Building Unions Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Building Unions Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Building Unions Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Building Unions Divisional Branch accordingly.

(f) The Victorian Building Unions Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(g) Where the Victorian Building Unions Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Building Unions Divisional Branch Management Committee considers appropriate.

(h) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Building Unions Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(i) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) ACT Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the ACT Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the National Building and Construction Industry Award 1990 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

Each June and December the Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Notwithstanding the foregoing, a member of the Victorian Divisional Branch who was a member of the Operative Painters and Decorators Union on 25 March 1993 and had paid his/her membership contribution up to 28 February 1994 shall be deemed, for all purposes, to be financial for the period 1 March 1994 to 30 September 1994 on the payment by that member of his/her membership contribution calculated in accordance with this Rule for the half year commencing on 1 April 1994.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with an employer (including any Government Department) or any Bank, Building Society, Credit Union or other financial institution for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from the wages or monies payable to the member or from any account maintained by the member as the case may be, and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule; provided that the member was financial immediately prior to arranging such deduction.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or on an injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $2 per copy.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b) A member who has been financial for 12 months at the time of becoming unemployed or unfinancial for a period of more than three months through sickness or other reasonable cause may have any contribution, fee, levy or other arrear cancelled, waived, credited or otherwise diminished in whole or in part if, in the opinion and absolute discretion of the Divisional Branch Management Committee, such a course of conduct is appropriate. Provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

Any credit, cancellation, waiver or diminution so granted by the Divisional Branch Management Committee shall be deducted from the amount of contributions, fees, levies or arrears due and payable by the member on the records of the Union.

Such cancellation, waiver, credit or diminution may be granted for any period either before or after the certification of this Rule change or before or after any application or proper case being presented for such cancellation, waiver, credit or diminution.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Vice-President and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

Provided however that on and from 2 January 2001 or the declaration of the election in 2001, whichever is the later, the officers of the NSW Divisional Branch shall, in addition to those referred to in the preceding paragraph, include a second Divisional Branch Assistant Secretary.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President,

two Divisional Branch Vice-Presidents, (which positions shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Tasmanian Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) In the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, three (3) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Construction Labourers Divsional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, two Divisional Branch Assistant Secretaries (one of whom shall be from the former Operative Plasterers and Plaster Workers Federation until 1997 and thereafter the position shall be designated Assistant Secretary (Plasterers), Divisional Branch Organisers, and Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Committee of Management.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the ACT Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisonal Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) (a) In Victoria, the officers of the Victorian Building Unions Divisional Branch shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In Victoria, the Officers of the Victorian FEDFA Divisional Branch shall be in accordance Rule 18(e)(iii) of the Construction and General Division Rules.

The office of Organisers' Representative on Divisional Branch Management Committee shall be filled, subjec to Rule 18(e)(iii), by election by and from the elected Organisers of the FEDFA Divisional Branch, and such election shall occur as soon as practicable after the Branch elections. The rights, responsibilities and duties of the holder of that office shall be the same as the rights, responsibilities and duties of other members of the Divisional Branch Management Committee.

(c) Upon the occurrence of the merger of the two Victorian Divisional Branches referred to in paragraph 18(e)(ii) of these Divisional Rules, the offices of the merged branch shall be those offices referred to in paragraph (a) of this sub-rule, plus the following offices:

(A) Divisional Branch Senior Vice President (FEDFA), which shall be a full-time position;

(B) Divisional Branch Assistant Secretary (FEDFA), which shall be a full time position; and

(C) Divisional Branch Vice President (FEDFA), which shall be an honorary position;

and those offices shall be occupied from the time of the merger and for the remainder of the 2004-2008 term in accordance with subrule 38(ee) of these Divisional Rules, and thereafter by election in the normal way.

(vii) In South Australia the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, two (2) Divisional Branch Vice-Presidents, Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the South Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

(viii) Each Construction Labourers' Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Construction Labourers' Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a

reference in relation to the Construction Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) during the period of 12 months immediately preceding the calling of nominations was not unfinancial for a period longer than 3 months

(C) has been a financial member of the Divisional Branch for the continuous period specified in the scale in sub-rule (a)(vii) herein immediately preceding the calling of nominations and

(D) was, for not less than three quarters of the period of time from the date of certification of this sub-rule until the calling of nominations, or a total period of 9 months during the period of twelve months immediately preceding the calling of nominations, whichever is the lesser:

(i) employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch;

(ii) unemployed on account of illness, incapacity or inability to obtain employment; or

(iii) engaged in a full-time office in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto

may nominate for such positions according to that scale.

(ii) Provided that any member who has reached the age of 65 years may not nominate for any Divisional Branch Management Committee member or Divisional Branch Councillor position or any office provided for in these Rules.

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(v) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(vi) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vii) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	) 3 years'
Divisional Branch President and Vice President	) financial) membership
Divisional Branch Delegate to Divisional Conference	))
Divisional Branch Management Committee Member	)) 1 year's
District Secretary/Organiser Organiser	) financial) membership
Divisional Branch Councillor, representatives	) financial) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by certified post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary and that envelope shall contain only the following documents -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(ii) an empty unsealed pre-paid post envelope addressed to the Divisional Branch Returning Officer, c/- the numbered mail box referred to in this rule;

(iii) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Branch Returning Officer may consider necessary;

(iv) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(v) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by certified mail all ballot papers. Provided that the Divisional Branch Executive may prior to the commencement of the ballot decide that certified mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election the books of the Divisional Branches shall be deemed to have closed as at 30th September in the year of the election. Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines prior to the 30th September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Branch Returning Officer that they have paid all contributions, levies and fines prior to the 30th September in the year of the election shall be entitled to receive a ballot paper and the Divisional Branch Returning Officer shall send by certified post, a ballot paper in accordance with sub-rule (n) of this rule.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

(ee) The holders of the offices in the Victorian FEDFA Divisional Branch identified under the heading 'FEDFA Offices' in the table set out below, elected in the 2004 elections, shall, upon the merger of the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch referred to in paragraph 18(e)(ii) of these Divisional Rules, thereupon cease to occupy any office in the Victorian FEDFA Divisional Branch, and shall thereupon occupy the corresponding offices in the merged branch identified under the heading 'Merged Branch Offices' in the table set out below.

FEDFA Offices	Merged Branch Offices
Branch President	Branch Senior Vice President (FEDFA)
Branch Secretary	Branch Assistant Secretary (FEDFA)
Branch Assistant Secretary	Branch Vice-President (FEDFA)
Branch Vice President	Organiser
Organisers	Organisers
Member of Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Organisers' Representative on Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Member of Divisional Branch Council	Member of Divisional Branch Council

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the

Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: 25 councillors, 8 of which shall be carpenters, 4 builders labourers, 2 painters, 4 FEDFA (ie persons eligible pursuant to National Rule 2(E)), 2 plasterers, 1 glass worker, 1 stone mason, 1 slater and tiler, 1 bricklayer and 1 wall and floor tiler.

Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (ie members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (ie members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (ie members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	2000 - 2011 Inclusive 2014 - 2077 Inclusive 2079 - 2097 Inclusive 2099 - 2127 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive 2174 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2558 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2784 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2280 - 2287 Inclusive 2289 - 2295 Inclusive 2297 - 2307 Inclusive 2314 - 2315 2320 - 2323 Inclusive 2325 - 2327 Inclusive 2330 - 2331 2334 - 2335 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2540 - 2541 2574 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall

be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).

Launceston Zone: 1 councillor

North West Zone: 1 councillor

(iii) In Queensland the State Management Committee of the Construction Workers Divisional Branch shall consist of twenty-one (21) members, including the Divisional Branch President (which position shall be honorary), Divisional Branch Secretary and three (3) Divisional Branch Assistant Secretaries. Each Divisional Branch Assistant Secretary shall be elected by and from those members who are eligible for membership of the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii); National Rule 2(A)(b) and National Rule 2(E) respectively. Provided however that in the event that the Assistant Secretary elected by and from the members eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii) is a plasterer, that person shall become Assistant Secretary (Plasterer) of the Divisional Branch. The Divisional Branch Secretary and the Divisional Branch President (Honorary) shall be elected by and from all members of the Divisional Branch who are eligible to nominate and vote. There shall be a further sixteen (16) members on the State Management Committee who shall be elected as follows;

(i) ten (10) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2 (A)(a)(i) and (ii);

(ii) two (2) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(A)(b);

(iii) five (5) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(E)

subject to the proviso relating to Divisional Branch President, as set out hereunder:

Provided that the number of Management Committee members elected from one of the above subgroups shall be reduced by one. The subgroup to reduced shall be that which corresponds to the eligibility of the Divisional Branch President.

Further provided that the Divisional Branch Management Committee shall elect from its members three (3) Divisional Branch Vice-Presidents and one of each of the Divisional Branch Vice-Presidents shall be elected from representatives of each of the categories of members referred to in this sub-paragraph.

In Queensland the Construction Labourers Divisional Branch Council shall for all purposes be and consist of the Construction Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Construction Labourers Divisional Branch Council and/or the Construction Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia

On and from the date of certification of this sub-rule and until 2 January 2001, in Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Divisional Branch Council members:

Peter Ballard
Peter Delaney
Kevin Ennor
Steve Evans
James Fox
Mark Hudston
Tony Kelly
Dave King
Ron Kinney
Tony Lovett
Peter McGraham
Kevin McGuire
Roy McIlwaine
Mick McMahon
Terry McParland
Peter Morrison
Graham Pallot
Daron Smith
Bob Wade
Paul Wrzos

On and from 2 January 2001 the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(vi) (a) A. In Victoria the Divisional Branch Council of the Victorian Building Unions Divisional Branch shall be constituted in accordance with this paragraph.

B. The Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with these rules.

C. The Zone Delegates to Divisional Branch Council referred to in sub-paragraph B hereof shall be determined in accordance with the following formula:-

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Provided further that until 2 January, 1997 of the Zone Delegates for each zone at least 2 shall be tradespersons and at least 2 shall be labourers. In the event that the number of tradesperson candidates for Zone Delegates positions is less than the minimum number of tradesperson delegates for that zone, each position for which there is no tradesperson candidate shall be filled by a labourer. In the event that the number of labourer candidates for Zone Delegate positions is less than the minimum number of labourer delegates for that zone, each position for which there is no labourer candidate shall be filled by a tradesperson.

For the purposes of this sub-rule "tradesperson" shall mean a member whose designated classification is either carpenter, stonemason or tilelayer and "labourer" shall mean a member whose designated classification is labourer in accordance with sub-rule 30 (iii).

Further provided that on and from 2 January, 1997 the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

D. Subject to sub-rule (4) (c) hereof the zones shall be in accordance with the following:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3461 "
	3464 - 3599 "
Northern Victoria	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "

3945 - 3971 "
3979
3984 - 3999 Inclusive

(b) On and from the date of certification of this sub-rule and until 2 January 2005 or declaration of the election in 2004, whichever is later, and subject to the rules regarding the filling of casual vacancies, the Divisional Branch Council of the Victorian FEDFA Divisional Branch shall be all members of the Divisional Branch Management Committee (where those persons are not expressly included in the following list) and:

President	Noel Washington
Vice President	Maurie Hill
Secretary	Tom Watson
Assistant Secretary	Ray Hallett
Organiser Representative on Divisional Branch Council	Ken Johns
Country/Provincial District	Martin Murphy
	Mark Travis
	Colin Stewart
Metropolitan District	Bill Neilson
	Jan Kadziela
	Steve Long
	Peter Andriske
	Robbie Cecala
La Trobe Valley Sub-Branch	Rod Hart

Thereafter, should the Divisional Branch continue to exist, the Divisional Branch Council shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (where such an officer exists), the Divisional Branch Management Committee members, one (1) of whom shall be Vice President, and the district and sub-branch Councillors, together with a number of elected Branch Organisers (the number to be determined by the Divisional Branch Management Committee).

The district and sub-branch councillors shall be elected as follows:

(a) there shall be a Metropolitan District, which shall be comprised of all members of the Branch who reside within 75 kilometres of the Melbourne GPO, or within such other boundaries as the Divisional Branch Management Committee may determine, and the District shall comprise an electorate by and from which five councillors shall be elected; and

(b) there shall be a Country/Provincial District, which shall comprise all members of the Branch who do not reside within the Metropolitan District or any Sub-Branch, and that District shall comprise an electorate by and from which three councillors shall be elected; and

(c) one councillor shall be elected by and from the members of the La Trobe Valley Sub-Branch.

(c) On and from the occurrence of the merger referred to in paragraph 18(e)(ii) of these Divisional Rules, the members of the Divisional Branch Council of the merged branch shall be:

(A) all of the persons who were members of the Divisional Branch Council of the Victorian Building Unions Divisional Branch immediately prior to the merger; and

(B) all of the persons who were members of the Divisional Branch Council of the Victorian FEDFA Divisional Branch immediately prior to the merger.

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and twenty five (25) other members. The twenty five other members shall be made up as follows:

8 carpenters, 4 builders labourers, 2 painters, 4 FEDFA (ie persons eligible pursuant to National Rule 2(E)), 2 plasterers, 1 glass worker, 1 stone mason, 1 slater and tiler, 1 bricklayer and 1 wall and floor tiler.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the 25 other members of the New South Wales Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of 3 members eligible pursuant to National Rule 2(E), 9 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 14 other members, consisting of 3 carpenters, 3 builders labourers, 3 FEDFA (ie those eligible for membership pursuant to National Rule 2(E)), and 2 members from the combined classifications of bricklayer, plasterer and painter together with three other members of the Divisional Branch engaged in any off-site fixed establishment in the State of Tasmania.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in Tasmania the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule

2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a) In the Construction Workers Divisional Branch in Queensland, there shall be elected by and from the members of the Queensland Divisional Branch Management Committee as set out in Rule 40 hereof a Divisional Branch Executive of not less than 6 members including the Divisional Branch President and Divisional Branch Secretary.

Such election shall be conducted, the necessary changes being made in accordance with Rule 9 of the Divisional Rules.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in the first paragraph in this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

On and from 2 January, 1997 in the Queensland Construction Workers Divisional Branch the Divisional Branch Executive shall consist of eight (8) members elected by and from the Divisional Branch Management Committee including the Divisional Branch President (Honorary), Divisional Branch Secretary and the three (3) Divisional Branch Assistant Secretaries and three (3) other Executive members who are not full-time officials. Divisional Branch Executive members who are not otherwise full-time officers of the Divisional Branch shall be elected from those members of the Divisional Branch Management Committee who are eligible for membership of the Union, the Division and the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii), National Rule 2(A)(b) and National Rule 2(E) and at least one member eligible in accordance with each of the aforementioned sub-rules shall occupy a position on the Divisional Branch Executive other than those occupied by the Divisional Branch Secretary and Divisional Branch Assistant Secretaries.

(b) Without affecting the term of office of persons holding office as Divisional Branch Executive members immediately prior to the date of certification of this sub-rule, the Divisional Branch Executive members of the Queensland Construction Labourers Divisional Branch shall, on and from 2 January, 1997 or the declaration of the election in 1996, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), 2 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, 2 Divisional Branch Assistant Secretaries (including Assistant Secretary (Plasterer)) and eleven other members. Provided however that there shall be at least 1 painter, 1 FEDFA (ie person eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and 1 other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in the Australian Capital Territory the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) A. In Victoria the Divisional Branch Management Committee shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and sixteen (16) others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

On and from the date of certification of this sub-rule, the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch shall also consist of one fibrous plasterer/fibrous plaster industry member.

B. On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch shall be:

Divisional Branch President	Noel Washington
Divisional Branch Vice President	Maurie Hill
Divisional Branch Secretary	Tom Watson
Divisional Branch Assistant Secretary	Ray Hallett
Divisional Branch Management Committee	Bill Neilson
	Jan Kadziela
	Steve Long
	Peter Andriske
Divisional Branch Management Committee Organiser Representative	Ken Johns

Thereafter, should the Divisional Branch continue to exist, the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Vice President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (when such an officer exists) and twelve other members (or such other number as determined by the Divisional Branch Council). Other members shall be elected from districts and/or sub-branches as determined by the Divisional Branch Council.

C. On and from the occurrence of the merger referred to in paragraph 18(e)(ii) of these Divisional Rules, the members of the Divisional Branch Management Committee of the merged branch shall be

(1) all of the persons who were members of the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch immediately prior to the merger; and

(2) all of the persons who were members of the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch immediately prior to the merger.

(vii) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, two (2) Divisional Branch Vice-Presidents, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Treasurer, two (2) Divisional Branch Trustees, one other Committee of Management member and no less than two organisers. Provided however that the Divisional Branch Committee of Management may determine such additional elected organisers positions as it considers appropriate and further provided that of the two elected organisers at least one shall be elected by and from those persons eligible for membership of the former Construction Labourers Divisional Branch and the other shall be elected by and from those persons eligible for membership of the former Construction Workers Divisional Branch.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in South Australia the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, three (3) Divisional Branch Management Committee members and three (3) Organisers (one of whom shall represent members eligible for membership of the former Construction Labourers Divisional Branch on the Divisional Branch Management Committee and one of whom shall represent members eligible for membership of the former Construction Workers Divisional Branch, on the Divisional Branch Management Committee).

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or telegram or telex or by telephone or verbally, provided that in the latter two instances, such is confirmed by letter or telegram or telex.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of Awards and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIAN BUILDING UNIONS DIVISIONAL BRANCH)

(i) In the Victorian Building Unions Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the three Divisional Branch Vice-Presidents, the Divisional Branch Secretary and the Divisional Branch Assistant Secretary.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned to him from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his guidance. He shall not enter debate on any question, but shall endeavour to bring the business to a satisfactory conclusion. He shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the Victorian Divisional Branch, the Queensland Construction Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by

resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q).

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall prepare and forward to the Industrial Registrar returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible, with the assistance of an Editorial Board elected by the Divisional Branch Management Committee, to assist in the production of the Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when

requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER (SOUTH AUSTRALIA)

In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with the Divisional Branch Secretary and Divisional Branch President sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

63A - SUB-BRANCHES

(i) In the Victorian FEDFA Divisional Branch there shall be such sub-branches as the Divisional Branch Management Committee or the Divisional Branch Council may from time to time determine, and until and unless either of those bodies determines otherwise, there shall be a La Trobe Valley Sub-Branch, which shall consist of all members of the Divisional Branch whose residential address, as last notified by the member to the office of the Divisional Branch, is no more than 75 kilometres from the Morwell post office, or within such other boundaries as the Divisional Branch Management Committee may from time to time determine.

(ii) Each Sub-Branch shall be governed by a Committee composed of a President, Vice-President, Secretary and four (4) committee members. On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the officers of the La Trobe Valley Sub-Branch shall be:

President	Rod Hart
Vice-President	Ray Johnston
Secretary	Trevor Williams
Committee Members	Frank Gaskall
	John Janiw
	Charlie Webb
	Wayne Pabst

The Sub-Branch officers shall be elected every four (4) years by secret postal ballot in the same manner, the necessary changes being made to reflect the smaller electorate, as for the election of delegates to Divisional Conference, provided that the first election for the four (4) year term of office shall not take place until 2004.

The duties of the Sub-Branch officers shall be those prescribed for the corresponding Divisional Branch officers with any necessary change to make them applicable to the Sub-Branch. The duty of the Committee shall be to govern the sub-Branch in between meetings of the Sub-Branch in accordance with these Rules.

(iii) The Sub-Committee shall be elected by ballot of the financial members of each Sub-Branch. The zone/district that a member is attached to for the purpose of this rule shall be the zone/district that

the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election. A member shall not be eligible to nominate for any of the positions set out in sub-clause (i) hereof unless he or she has been a member for three (3) months and that he or she be a financial member of the Sub-Branch at the date of nomination.

(iv) The Divisional Branch Returning Officer shall call for nominations for Sub-Branch officers and committee members at the same time and in the same manner as prescribed in Rule 17 of the National Rules and any election necessary shall be mutatis mutandis the provisions set out in Rule 17 of the National Rules.

(v) The Sub-Branch Secretary in addition to keeping minutes, accounts, books and documents the property of the sub-branch, shall pay all money received into the Branch General Account at the Commonwealth Bank. Except where otherwise agreed he or she shall present to each half-yearly meeting a balance sheet certified to by the Auditors and a copy of such balance sheet shall be forwarded to the Branch Secretary prior to the 31st July and 31st January in each year. The Sub-Branch Secretary allowance shall be fixed by the Committee of Management.

(vi) Sub-Branches shall meet for ordinary purposes at least quarterly at such time and place as the sub-Branch may decide.

(vii) Special meetings may be convened to consider important business. Such meetings shall be called:

(i) by direction of an ordinary meeting;

(ii) on demand by ten (10) financial members of the Sub-Branch;

(iii) by direction of the Sub-Branch Committee; or

(iv) on request by the Divisional Branch Management Committee.

Special meetings shall be notified by the Sub-Branch Secretary advising members by circular or where such is the practice by placing the circular on the noticeboard or by advertising in the press the time and place of such meetings and the business to be dealt with.

(viii) Sub-Branches shall have power to make by-laws governing the election and conduct of delegates to Labour Committees in their district.

(ix) Should a vacancy occur in an office of Secretary, Assistant Secretary, President, Vice President or Committee member the position shall be filled by the calling of nominations in conformity with these rules. If there be more than the required number of valid nominations for any office a ballot shall be held and conducted according to the ballot provisions of rule 17 of the National Rules.

The Divisional Branch Committee of Management shall determine the dates for the closing of nominations and the ballot. Provided however, if the unexpired portion of the term of office is three quarters of the term, that is three (3) years or less, the Divisional Branch Committee of Management after taking due regard to the wishes of the Sub-Branch shall have the power to appoint a member who is qualified by these rules to fill the vacancy for the balance of the term.

64 - STANDING ORDERS AND RULES OF DEBATE

(a) Order of Business:

1. Opening of meeting.

2. Reading and adoption of minutes of previous meeting.

3. Admission of new members.

4. Election of Officers.

5. Divisional Branch Management Committee minutes.

6. Adjourned business.

7. Reading of Correspondence.

8. Auditor's Report.

9. Report of delegates.

10. Secretary's Cash Account.

11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the

motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and shall place the number 2,3,4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters; preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than twelve financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

CLAY AND CERAMICS INDUSTRY DIVISIONAL BRANCH RULES

70 - CLAY AND CERAMICS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Clay and Ceramics Industry Divisional Branch of the Construction and General Division to which all members who are eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Clay and Ceramics Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Clay and Ceramics Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia, together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Clay and Ceramics Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Clay and Ceramics Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Clay and Ceramics Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Clay and Ceramics Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) On and from the date of amalgamation, the officers of the Clay and Ceramics Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.).

(ii) (a) The Secretary of the Victorian Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch.

(b) The Secretary of the NSW Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(c) The Secretary of the W.A. Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Assistant Secretary (W.A.).

(d) The persons elected as organisers with the NSW and Victorian Branches of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Assistant Secretary (NSW) and Industry Divisional Branch Assistant Secretary (Victoria) respectively.

(iii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

(iv) (a) The Industry Divisional Branch Management Committee shall, at the first meeting following the amalgamation, elect from among its members an Industry Divisional Branch Vice -President (Honorary).

(b) The Industry Divisional Branch Vice President (Honorary) referred to in (a) above shall hold office until the election of his/her successor, which election shall occur as soon as practicable after the first election of the Industry Divisional Branch Management following the amalgamation.

(c) The Industry Divisional Branch Vice President (Honorary) shall be elected by and from the Industry Divisional Branch Management Committee as soon as practicable after the election of the Industry Divisional Branch Management Committee and shall hold office for a period of four years.

(d) The provisions of Rule 9, Divisional Executive, of these Divisional Rules relating to the election of the Divisional Officers and Divisional Executive shall apply, the necessary changes being made, to the election of the Industry Divisional Branch Vice President (Honorary). Provided however that the provisions of this rule relating to the timing of this election shally apply in lieu of like provisions in Rule 9.

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

On and from the date of amalgamation, the Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch Management Committee on a quota of one additional Management Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

Provided however that until the first election of Industry Divisional Branch Management Committee members following the amalgamation, those persons who were members of the Federal Executive of the FBTPU immediately prior to amalgamation, shall be members of the Industry Divisional Branch Management Committee.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

74 - SUB-BRANCH RULES

The Clay and Ceramics Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Clay and Ceramics Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Clay and Ceramics Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Clay and Ceramics Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) Upon amalgamation a capitation fee shall be paid by the Clay and Ceramics Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Clay and Ceramics Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - INDUSTRY DIVISIONAL BRANCH AND SUB BRANCH OFFICE FACILITIES

Notwithstanding the fact that by virtue of the amalgamation the assets of the FBTPU become the property of the amalgamated union, each Sub-Branch of the Clay and Ceramics Industry Divisional Branch shall have the right of continuing use and occupation of its existing premises where such premises were, as at the date of amalgamation, the property of the FBTPU.

79 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

80 - VARIATION TO RULES

The Clay and Ceramics Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Clay and Ceramics Industry Divisional Branch Management Committee

81 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Clay and Ceramics Industry Divisional Branch.

82 - DISSOLUTION OF BRANCH

(a) The Clay and Ceramics Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Industry Divisional Branch members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Clay and Ceramics Industry Divisional Branch, to close down or otherwise restructure the Clay and Ceramics Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Clay and Ceramics Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Clay and Ceramics Industry Divisional Branch is dissolved, members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Clay and Ceramics Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

83 - CLAY AND CERAMICS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Clay and Ceramics Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

84 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

85 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) Each officer within the Clay and Ceramics Industry Divisional Branch referred to in Rule 72 herein shall hold office until the elections of the Construction and General Division of the CFMEU are held in the year 2000, at which time elections for all offices within the Industry Divisional Branch shall also be held.

(b) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall, in the election referred to in sub-clause (a) herein, be elected by and from all members of the Industry Divisional Branch. Each of the three Industry Divisional Branch Assistant Secretaries shall be elected by and from those members in each of the three corresponding states for which a designated Assistant Secretary's position exists.

(c) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

END OF RULES

[105N-BWIU: Incorporates alterations of 10/11/03 in matter R2003/292]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 80 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member in the States and Territory of Queensland, New South Wales, South Australia, The Australian Capital Territory, Northern Territory, Tasmania, Victoria, and Western Australia, who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (ie 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for The Building Workers' Industrial Union of Australia (or any branch thereof) or used by or for The Operative Plasterers and Plaster Workers' Federation of Australia (or any branch thereof) or Federated Engine Drivers and Firemen's Association of Australasia (or any Branch thereof) any other Union (or branch thereof) which has amalgamated with this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the National Building and Construction Industry Award 1990 or any award of the Australian Industrial Relations Commission replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the Australian Industrial Relations Commission.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5 and/or 6, be entitled to all the benefits of membership.

2. Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for a period or amount arising before or after the certification of this rule change for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

   (a) absence from Australia;

   (b) inability to carry on a member's vocation or calling through illness or injury;

   (c) unemployment

   (d) without being limited by any of the foregoing, any other hardship, or prejudice or disadvantage;

   (e) periods on workers' compensations or on any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

   (f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Further provided that the former members of the Federal Council of the Operative Painters and Decorators Union shall, upon amalgamation, be and remain, until the general election, members of the Divisional Conference. Such persons shall remain delegates to the Divisional Conference until 2 January 1997. Thereafter, any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall be a member of the Divisional Conference.

Further provided that those persons from the former Construction Labourers, Plasterers and Painters and the Construction Workers Divisional Branches in Western Australia who were Divisional Branch Delegates to Divisional Conference immediately prior to the integration of those Divisional Branches occurring, shall be members of the Divisional Conference until 2 January, 2001.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Clay and Ceramics Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring

or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegates proxy.

(vii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that Divisional Branch entitlement to delegates shall be increased by the number of full-time Divisional Officers and full-time National Officers nominating as Divisional Conference delegates in that Divisional Branch in accordance with this sub-clause.

(viii) Six (6) delegates shall form a quorum of the Divisional Conference.

(ix) The expenses of delegates and Divisional Officers shall be paid by the Divisional Executive as follows: First class train fare with sleeper or, alternatively, plane fare. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(x) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xi) A Divisional Conference shall be held not later than December 31, 1993 and biennially thereafter at such place and time as the Divisional Executive shall decide.

(xii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiii) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xv) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, telegraphic, facsimile and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, as the case may be, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvi) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-papragraph xv) herein shall apply.

For the purposes of this sub-paragraph, any reference to a "matter or matters" shall be taken as a reference to a matter or matters raised with the Divisional Executive before or after the date upon which this sub-paragraph takes effect.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

   Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

   Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

   The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

   The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

   The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

   In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

   Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall be a member of the Divisional Executive.

   On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. (i) Notwithstanding the provisions of rule 9.2, where an officer who was elected to hold an office, the duties of which are of a full-time nature, is due to retire within twelve (12) months after the expiration of the period for which the officer was elected, the officer may remain in that office without being re-elected until retirement, provided that the following shall apply:-

(ii) Nominations shall not be called for filling that position held by that officer until the retirement is to take place.

(iii) The date of retirement of that officer shall be within twelve (12) months after the expiration of the officers' term of office.

(iv) The term of office of the officer elected to fill the office held by the retiring officer shall be until the date of the officers successor taking office after the next scheduled quadrennial election.

(v) Where a member being a candidate duly nominated for election to a full-time office is a person who, if elected, will hold that office for a period in excess of the normal term of office of 4 years by virtue of this sub rule, the ballot papers for the election shall indicate the maximum period for which, if elected, the member may so hold office.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

(b) The retirement age for a full time officer shall be at the end of the term of office during which the member attains the age of 65 years.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (ie., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any any meeting shall be six. Notice of meetings may be given by letter or telegram or telex or facsimile or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11a)i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the clerical, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary that is not the designated Divisional Assistant Secretary in the case of the incumbent as at the date of certification of this rule amendment, may revert to an honorary office with the consent of that incumbent. Thereafter the office may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional President or the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in the States of Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Construction Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Construction Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2009. The Builders Labourers' Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January 2008.

(iii) Notwithstanding any other Rule to the contrary, while the Construction Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Construction Labourers' Divisional Branch in the particular State.

(iv) On and from 31 March 1994, the officers of the CFMEU Building Unions Division, Construction Labourers' Divisional Branches shall be as follows:

(a) Queensland:

Divisional Branch President	Carl Purcell
" Vice President	Warren Lorberg
" Treasurer	Kevin Hughes
" Branch Secretary	Gregory Simcoe
" Trustees	John Edwards, Terry Dobinson
" Guardian	Michael Nash
" Committee of Management Members	Joseph Boom, John Buckley, Sam Gianoli, Terrence McIntyre
" Assistant Branch Secretary	Terrence McIntrye
" Organisers	John Edwards, Daryl Kerr, Darryl Pobje, Jonathon Steele, Brian MacNicol, Patrick Hogan, Jack Bekavak, Peter Sweet, Robert Henry, Terry Tye, John Christian (appointed not elected), Edward Puplett (appointed not elected)
" Delegates to Divisional Conference	Carl Purcell, Gregory Simcoe, Terrence McIntyre

(v) As soon as practicable, but not later than 30 June 1994, the Construction Labourers Divisional Branch shall call an election of officers who were appointed in accordance with the foregoing sub-rule save and except for those officers of the Western Australian Divisional Branch who were officers of the CFMEU prior to 31 March 1994.

For the purposes of nominations in any such election, the books of the Union shall close on 30 March 1994 and only persons who were financial members of the CFMEU, Building Unions Division, for each respective State at that date and are members of the Construction Labourers' Divisional Branch shall be able to nominate for any position. Further, in the case of the Western Australian Construction Labourers' Divisional Branch, only persons who are eligible for membership under National Rule 2(B) shall be entitled to nominate and vote for any such position. If a ballot is necessary, then persons who were, pursuant to Rule 4(vi) and the agreement between the Australian Building Construction Employees and Builders Labourers' Federation and various other State Builders Labourers' Federations admitted to membership of the CFMEU, Building Unions Division, and are members of the Construction Labourers' Divisional Branch in the particular State, and were financial at 31 March 1994 or later become financial and any person who later becomes a financial member shall be eligible to vote. Other than as herein prescribed, the election shall be conducted, with the necessary changes being made, in accordance with the Rules for the election of Divisional Branch Delegates to Divisional Conference. The term of office for the office bearers elected, pursuant to this Sub-Rule, to the offices referred to in Rule 18(c)(iv)(a), (b) and (c), shall expire at midnight 1st January 1997. The elections for those offices referred to in Rule 18 (c)(iv)(a), (b) and (c), the term of which commences on 2nd January 1997 and thereafter, shall be conducted in accordance with Rule 38 of the Building Unions Divisional Rules or Rule 17 of the National Rules, whichever is applicable.

(vi) While each Construction Labourers' Divisional Branch continues its separate existence, the demarcation between the Construction Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(vii) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated

Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(viii) Any reference in sub-paragraph (c) (iv and v) herein to the Building Unions Division, shall where the context permits, be taken to be a reference to the Construction and General Division.

(d) On and from the date of certification of this sub-rule, and until 2 January , 2001, the Officers of the CFMEU, Construction and General Division, Western Australia Divisional Branch shall be :-

Divisional Branch President	Kevin McParland
Divisional Branch Senior Vice President	Dave Simpson
Divisional Branch Vice President	Les Wellington
Divisional Branch Secretary	Kevin Reynolds
Divisional Branch Assistant Secretaries	Joe McDonald
	Kim Young
Divisional Branch Treasurer	Robert Olsen
Divisional Branch Trustees	Ian Hawkens
	Jim Reid
	Alan Williams
Divisional Branch Management Committee	Robert Manwaring
	Bernie Musial
	Brian Churchill
	Glen Hawkins
	Mick Holly
Divisional Branch Organisers	Mark Hudston
	Daron Smith
	Kevin Ennor
	Graham Pallot
	Dave King
	Jim Reid

(e) Victoria

(i) In the State of Victoria there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Victorian Building Unions Divisional Branch and the CFMEU, Construction and General Division, Victorian FEDFA Divisional Branch respectively. The Victorian FEDFA Divisional Branch shall consist of all Victorian members eligible for membership of the Division by virtue of rule 2(E) of the National Rules. All members of the Division in the State of Victoria who are not members of the Victorian FEDFA Divisional Branch shall be in the Building Unions Divisional Branch.

(ii) The Victorian FEDFA Divisional Branch referred to above may continue to exist for as long as is appropriate but no later than 30 September 2005. The two Victorian Divisional Branches shall effect restructuring by merging into a single Divisional Branch in Victoria by no later than 30 September 2005 and shall commence discussions on the terms of such merger upon the creation of the Victorian FEDFA Divisional Branch.

(iii) On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the Officers of the CFMEU, Construction and

General Division, Victorian FEDFA Divisional Branch shall be:

President	Noel Washington
Vice President	Maurie Hill
Secretary	Tom Watson
Assistant Secretary	Ray Hallett
Divisional Branch Management Committee Members	Bill Neilson Jan Kadziela Steve Long Peter Andriske
Organisers	Colin Stewart Peter Andriske Maurie Hill Ken Johns
Organisers' representative on Divisional Branch Management Committee	Ken Johns
Divisional Branch Delegate/s to Divisional Conference	Noel Washington Tom Watson Bill Neilson

Thereafter, should the Divisional Branch continue to exist, the Officers of the Divisional Branch shall consist of Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (if deemed necessary by the Divisional Branch Management Committee), Divisional Branch Vice President (if deemed necessary by the Divisional Branch Management Committee) and Divisional Branch Management Committee members, and such Organisers as may be determined necessary as the Divisional Branch Council from time to time determines.

(iv) Notwithstanding any other rule to the contrary, while the Victorian FEDFA Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Victorian FEDFA Divisional Branch.

(v) The funds, property, assets and liabilities of or under the control of the CFMEU FEDFA Division, Victorian Divisional Branch, as they existed immediately prior to the certification of this sub-rule, shall be and become the funds, property, assets and liabilities of or under the control of the CFMEU Construction and General Division, Victorian FEDFA Divisional Branch immediately upon the certification of this sub-rule.

(f) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 361 Kent Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $20.00 and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $20.00.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $20.00 in any calendar year be imposed on any member or members.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, telegram, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland and Victoria in accordance with Rule 18 of these rules.

(c) There shall be an Industry Divisional Branch to be known as the Clay and Ceramics Industry Divisional Branch. In the case of the Sub-Branches comprising the Clay and Ceramics Industry

Divisional Branch, "The Construction and General Division, X (Clay and Ceramics) Sub-Branch where X is the State or Territory concerned".

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that in Western Australia membership shall be determined in accordance with Rule 18 herein and further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall be and remain members of the Australian Capital Territory Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Building Unions Divisional Branch

(a) The record of members of the Victorian Building Unions Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker

which shall be known as the member's designated classification.

(b) For the purpose of preparing the first record of members of the Victorian Building Unions Divisional Branch in accordance with the provisions of paragraph (a) hereof the Victorian Building Unions Divisional Branch Council shall:-

A. adopt the designated classification record of the BWIU, Victorian Branch immediately preceding the date of amalgamation; and

B. in relation to each member who joined the Victorian Building Unions Divisional Branch between the date of amalgamation and the date of certification of this sub-rule, amend the record having first determined the designated classification of that member having regard to the criteria set out in Rule 32 (iii) (f) (i), (ii) and (iii), the information contained in existing records held by the Victorian Building Unions Divisional Branch and such further information as the Victorian Building Divisional Branch Management Committee considers it necessary to obtain.

(c) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(d) In dealing with applications for membership the Victorian Building Unions Divisional Branch Management Committee shall determine each new member's designated classification.

(e) The Victorian Building Unions Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Building Unions Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Building Unions Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Building Unions Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Building Unions Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Building Unions Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Building Unions Divisional Branch accordingly.

(f) The Victorian Building Unions Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(g) Where the Victorian Building Unions Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Building Unions Divisional Branch Management Committee considers appropriate.

(h) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Building Unions Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(i) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) ACT Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the ACT Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the National Building and Construction Industry Award 1990 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Notwithstanding the foregoing, a member of the Victorian Divisional Branch who was a member of the Operative Painters and Decorators Union on 25 March 1993 and had paid his/her membership contribution up to 28 February 1994 shall be deemed, for all purposes, to be financial for the period 1 March 1994 to 30 September 1994 on the payment by that member of his/her membership contribution calculated in accordance with this Rule for the half year commencing on 1 April 1994.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with an employer (including any Government Department) or any Bank, Building Society, Credit Union or other financial institution for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from the wages or monies payable to the member or from any account maintained by the member as the case may be, and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule; provided that the member was financial immediately prior to arranging such deduction.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear

relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or on an injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $2 per copy.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b) A member who has been financial for 12 months at the time of becoming unemployed or unfinancial for a period of more than three months through sickness or other reasonable cause may have any contribution, fee, levy or other arrear cancelled, waived, credited or otherwise diminished in whole or in part if, in the opinion and absolute discretion of the Divisional Branch Management Committee, such a course of conduct is appropriate. Provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

Any credit, cancellation, waiver or diminution so granted by the Divisional Branch Management Committee shall be deducted from the amount of contributions, fees, levies or arrears due and payable by the member on the records of the Union.

Such cancellation, waiver, credit or diminution may be granted for any period either before or after the certification of this Rule change or before or after any application or proper case being presented for such cancellation, waiver, credit or diminution.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.

Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President, two Divisional Branch Vice-Presidents, (which positions shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Tasmanian Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) In the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, three (3) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Construction Labourers Divsional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, two Divisional Branch Assistant Secretaries (one of whom shall be from the former Operative Plasterers and Plaster Workers Federation until 1997 and thereafter the position shall be designated Assistant Secretary (Plasterers), Divisional Branch Organisers, and Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Committee of Management.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the ACT Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two

Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisonal Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) (a) In Victoria, the officers of the Victorian Building Unions Divisional Branch shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In Victoria, the Officers of the Victorian FEDFA Divisional Branch shall be in accordance Rule 18(e)(iii) of the Construction and General Division Rules.

The office of Organisers' Representative on Divisional Branch Management Committee shall be filled, subjec to Rule 18(e)(iii), by election by and from the elected Organisers of the FEDFA Divisional Branch, and such election shall occur as soon as practicable after the Branch elections. The rights, responsibilities and duties of the holder of that office shall be the same as the rights, responsibilities and duties of other members of the Divisional Branch Management Committee.

(c) Upon the occurrence of the merger of the two Victorian Divisional Branches referred to in paragraph 18(e)(ii) of these Divisional Rules, the offices of the merged branch shall be those offices referred to in paragraph (a) of this sub-rule, plus the following offices:

(A) Divisional Branch Senior Vice President (FEDFA), which shall be a full-time position;

(B) Divisional Branch Assistant Secretary (FEDFA), which shall be a full time position; and

(C) Divisional Branch Vice President (FEDFA), which shall be an honorary position;

and those offices shall be occupied from the time of the merger and for the remainder of the 2004-2008 term in accordance with subrule 38(ee) of these Divisional Rules, and thereafter by election in the normal way.

(vii) In South Australia the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, two (2) Divisional Branch Vice-Presidents, Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the South Australia

Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

(viii) Each Construction Labourers' Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Construction Labourers' Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Construction Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) during the period of 12 months immediately preceding the calling of nominations was not unfinancial for a period longer than 3 months

(C) has been a financial member of the Divisional Branch for the continuous period specified in the scale in sub-rule (a)(vii) herein immediately preceding the calling of nominations and

(D) was, for not less than three quarters of the period of time from the date of certification of this sub-rule until the calling of nominations, or a total period of 9 months during the period of twelve months immediately preceding the calling of nominations, whichever is the lesser:

(i) employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch;

(ii) unemployed on account of illness, incapacity or inability to obtain employment; or

(iii) engaged in a full-time office in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto

may nominate for such positions according to that scale.

(ii) Provided that any member who has reached the age of 65 years may not nominate for any Divisional Branch Management Committee member or Divisional Branch Councillor position or any office provided for in these Rules.

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(v) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(vi) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vii) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	) 3 years'
Divisional Branch President and Vice President	) financial) membership
Divisional Branch Delegate to Divisional Conference	))
Divisional Branch Management Committee Member	)) 1 year's
District Secretary/Organiser Organiser	) financial) membership
Divisional Branch Councillor, representatives	) financial) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by certified post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary and that envelope shall contain only the following documents -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(ii) an empty unsealed pre-paid post envelope addressed to the Divisional Branch Returning Officer, c/- the numbered mail box referred to in this rule;

(iii) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Branch Returning Officer may consider necessary;

(iv) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(v) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by certified mail all ballot papers. Provided that the Divisional Branch Executive may prior to the commencement of the ballot decide that certified mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election the books of the Divisional Branches shall be deemed to have closed as at 30th September in the year of the election. Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines prior to the 30th September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Branch Returning Officer that they have paid all contributions, levies and fines prior to the 30th September in the year of the election shall be entitled to receive a ballot paper and the Divisional Branch Returning Officer shall send by certified post, a ballot paper in accordance with sub-rule (n) of this rule.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken

to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

(ee) The holders of the offices in the Victorian FEDFA Divisional Branch identified under the heading 'FEDFA Offices' in the table set out below, elected in the 2004 elections, shall, upon the merger of the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch referred to in paragraph 18(e)(ii) of these Divisional Rules, thereupon cease to occupy any office in the Victorian FEDFA Divisional Branch, and shall thereupon occupy the corresponding offices in the merged branch identified under the heading 'Merged Branch Offices' in the table set out below.

FEDFA Offices	Merged Branch Offices
Branch President	Branch Senior Vice President (FEDFA)
Branch Secretary	Branch Assistant Secretary (FEDFA)
Branch Assistant Secretary	Branch Vice-President (FEDFA)
Branch Vice President	Organiser
Organisers	Organisers
Member of Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Organisers' Representative on Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Member of Divisional Branch Council	Member of Divisional Branch Council

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: 25 councillors, 8 of which shall be carpenters, 4 builders labourers, 2 painters, 4 FEDFA (ie persons eligible pursuant to National Rule 2(E)), 2 plasterers, 1 glass worker, 1 stone mason, 1 slater and tiler, 1 bricklayer and 1 wall and floor tiler.

Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (ie members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (ie members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (ie members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	2000 - 2011 Inclusive 2014 - 2077 Inclusive 2079 - 2097 Inclusive 2099 - 2127 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive 2174 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2558 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2784 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2280 - 2287 Inclusive 2289 - 2295 Inclusive 2297 - 2307 Inclusive 2314 - 2315 2320 - 2323 Inclusive 2325 - 2327 Inclusive 2330 - 2331 2334 - 2335 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2540 - 2541 2574 2577 - 2578

Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii) In Queensland the State Management Committee of the Construction Workers Divisional Branch shall consist of twenty-one (21) members, including the Divisional Branch President (which position shall be honorary), Divisional Branch Secretary and three (3) Divisional Branch Assistant Secretaries. Each Divisional Branch Assistant Secretary shall be elected by and from those members who are eligible for membership of the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii); National Rule 2(A)(b) and National Rule 2(E) respectively. Provided however that in the event that the Assistant Secretary elected by and from the members eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii) is a plasterer, that person shall become Assistant Secretary (Plasterer) of the Divisional Branch. The Divisional Branch Secretary and the Divisional Branch President (Honorary) shall be elected by and from all members of the Divisional Branch who are eligible to nominate and vote. There shall be a further sixteen (16) members on the State Management Committee who shall be elected as follows;

(i) ten (10) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2 (A)(a)(i) and (ii);

(ii) two (2) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(A)(b);

(iii) five (5) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(E)

subject to the proviso relating to Divisional Branch President, as set out hereunder:

Provided that the number of Management Committee members elected from one of the above subgroups shall be reduced by one. The subgroup to reduced shall be that which corresponds to the eligibility of the Divisional Branch President.

Further provided that the Divisional Branch Management Committee shall elect from its members three (3) Divisional Branch Vice-Presidents and one of each of the Divisional Branch Vice-Presidents shall be elected from representatives of each of the categories of members referred to in this sub-paragraph.

In Queensland the Construction Labourers Divisional Branch Council shall for all purposes be and consist of the Construction Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Construction Labourers Divisional Branch Council and/or

the Construction Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia

On and from the date of certification of this sub-rule and until 2 January 2001, in Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Divisional Branch Council members:

Peter Ballard
Peter Delaney
Kevin Ennor
Steve Evans
James Fox
Mark Hudston
Tony Kelly
Dave King
Ron Kinney
Tony Lovett
Peter McGraham
Kevin McGuire
Roy McIlwaine
Mick McMahon
Terry McParland
Peter Morrison
Graham Pallot
Daron Smith
Bob Wade
Paul Wrzos

On and from 2 January 2001 the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(vi) (a) A. In Victoria the Divisional Branch Council of the Victorian Building Unions Divisional Branch shall be constituted in accordance with this paragraph.

B. The Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with these rules.

C. The Zone Delegates to Divisional Branch Council referred to in sub-paragraph B hereof shall be determined in accordance with the following formula:-

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Provided further that until 2 January, 1997 of the Zone Delegates for each zone at least 2 shall be tradespersons and at least 2 shall be labourers. In the event that the number of tradesperson candidates for Zone Delegates positions is less than the minimum number of tradesperson delegates for that zone, each position for which there is no tradesperson candidate shall be filled by a labourer. In the event that the number of labourer candidates for Zone Delegate positions is less than the minimum number of labourer delegates for that zone, each position for which there is no labourer candidate shall be filled by a tradesperson.

For the purposes of this sub-rule "tradesperson" shall mean a member whose designated classification is either carpenter, stonemason or tilelayer and "labourer" shall mean a member whose designated classification is labourer in accordance with sub-rule 30 (iii).

Further provided that on and from 2 January, 1997 the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

D. Subject to sub-rule (4) (c) hereof the zones shall be in accordance with the following:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3461 "

	3464 - 3599 "
Northern Victoria	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive 3921 - 3925 " 3945 - 3971 " 3979 3984 - 3999 Inclusive

(b) On and from the date of certification of this sub-rule and until 2 January 2005 or declaration of the election in 2004, whichever is later, and subject to the rules regarding the filling of casual vacancies, the Divisional Branch Council of the Victorian FEDFA Divisional Branch shall be all members of the Divisional Branch Management Committee (where those persons are not expressly included in the following list) and:

President	Noel Washington
Vice President	Maurie Hill
Secretary	Tom Watson
Assistant Secretary	Ray Hallett
Organiser Representative on Divisional Branch Council	Ken Johns
Country/Provincial District	Martin Murphy
	Mark Travis
	Colin Stewart
Metropolitan District	Bill Neilson
	Jan Kadziela
	Steve Long
	Peter Andriske
	Robbie Cecala
La Trobe Valley Sub-Branch	Rod Hart

Thereafter, should the Divisional Branch continue to exist, the Divisional Branch Council shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (where such an officer exists), the Divisional Branch Management Committee members, one (1) of whom shall be Vice President, and the district and sub-branch Councillors, together with a number of elected Branch Organisers (the number to be determined by the Divisional Branch Management Committee).

The district and sub-branch councillors shall be elected as follows:

(a) there shall be a Metropolitan District, which shall be comprised of all members of the Branch who reside within 75 kilometres of the Melbourne GPO, or within such other boundaries as the Divisional Branch Management Committee may determine, and the District shall comprise an electorate by and from which five councillors shall be elected; and

(b) there shall be a Country/Provincial District, which shall comprise all members of the Branch who do not reside within the Metropolitan District or any Sub-Branch, and that District shall comprise an electorate by and from which three councillors shall be elected; and

(c) one councillor shall be elected by and from the members of the La Trobe Valley Sub-Branch.

(c) On and from the occurrence of the merger referred to in paragraph 18(e)(ii) of these Divisional Rules, the members of the Divisional Branch Council of the merged branch shall be:

(A) all of the persons who were members of the Divisional Branch Council of the Victorian Building Unions Divisional Branch immediately prior to the merger; and

(B) all of the persons who were members of the Divisional Branch Council of the Victorian FEDFA Divisional Branch immediately prior to the merger.

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and twenty five (25) other members. The twenty five other members shall be made up as follows:

8 carpenters, 4 builders labourers, 2 painters, 4 FEDFA (ie persons eligible pursuant to National Rule 2(E)), 2 plasterers, 1 glass worker, 1 stone mason, 1 slater and tiler, 1 bricklayer and 1 wall and floor tiler.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the 25 other members of the New South Wales Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of 3 members eligible pursuant to National Rule 2(E), 9 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 14 other members, consisting of 3 carpenters, 3 builders labourers, 3 FEDFA (ie those eligible for membership pursuant to National Rule 2(E)), and 2 members from the combined classifications of bricklayer, plasterer and painter together with three other members of the Divisional Branch engaged in any off-site fixed establishment in the State of Tasmania.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in Tasmania the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those

eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a) In the Construction Workers Divisional Branch in Queensland, there shall be elected by and from the members of the Queensland Divisional Branch Management Committee as set out in Rule 40 hereof a Divisional Branch Executive of not less than 6 members including the Divisional Branch President and Divisional Branch Secretary.

Such election shall be conducted, the necessary changes being made in accordance with Rule 9 of the Divisional Rules.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in the first paragraph in this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

On and from 2 January, 1997 in the Queensland Construction Workers Divisional Branch the Divisional Branch Executive shall consist of eight (8) members elected by and from the Divisional Branch Management Committee including the Divisional Branch President (Honorary), Divisional Branch Secretary and the three (3) Divisional Branch Assistant Secretaries and three (3) other Executive members who are not full-time officials. Divisional Branch Executive members who are not otherwise full-time officers of the Divisional Branch shall be elected from those members of the Divisional Branch Management Committee who are eligible for membership of the Union, the Division and the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii), National Rule 2(A)(b) and National Rule 2(E) and at least one member eligible in accordance with each of the aforementioned sub-rules shall occupy a position on the Divisional Branch Executive other than those occupied by the Divisional Branch Secretary and Divisional Branch Assistant Secretaries.

(b) Without affecting the term of office of persons holding office as Divisional Branch Executive members immediately prior to the date of certification of this sub-rule, the Divisional Branch Executive members of the Queensland Construction Labourers Divisional Branch shall, on and from 2 January, 1997 or the declaration of the election in 1996, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), 2 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, 2 Divisional Branch Assistant Secretaries (including Assistant Secretary (Plasterer)) and eleven other members. Provided however that there shall be at least 1 painter, 1 FEDFA (ie person eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and 1 other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in the Australian Capital Territory the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) A. In Victoria the Divisional Branch Management Committee shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and sixteen (16) others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

On and from the date of certification of this sub-rule, the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch shall also consist of one fibrous plasterer/fibrous plaster industry member.

B. On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch shall be:

Divisional Branch President	Noel Washington
Divisional Branch Vice President	Maurie Hill
Divisional Branch Secretary	Tom Watson
Divisional Branch Assistant Secretary	Ray Hallett
Divisional Branch Management Committee	Bill Neilson
	Jan Kadziela
	Steve Long
	Peter Andriske
Divisional Branch Management Committee Organiser Representative	Ken Johns

Thereafter, should the Divisional Branch continue to exist, the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Vice President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (when such an officer exists) and twelve other members (or such other number as determined by the Divisional Branch Council). Other members shall be elected from districts and/or sub-branches as determined by the Divisional Branch Council.

C. On and from the occurrence of the merger referred to in paragraph 18(e)(ii) of these Divisional Rules, the members of the Divisional Branch Management Committee of the merged branch shall be

(1) all of the persons who were members of the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch immediately prior to the merger; and

(2) all of the persons who were members of the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch immediately prior to the merger.

(vii) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, two (2) Divisional Branch Vice-Presidents, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Treasurer, two (2) Divisional Branch Trustees, one other Committee of Management member and no less than two organisers. Provided however that the Divisional Branch Committee of Management may determine such additional elected organisers positions as it considers appropriate and further provided that of the two elected organisers at least one shall be elected by and from those persons eligible for membership of the former Construction Labourers Divisional Branch and the other shall be elected by and from those persons eligible for membership of the former Construction Workers Divisional Branch.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in South Australia the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, three (3) Divisional Branch Management Committee members and three (3) Organisers (one of whom shall represent members eligible for membership of the former Construction Labourers Divisional Branch on the Divisional Branch Management Committee and one of whom shall represent members eligible for membership of the former Construction Workers Divisional Branch, on the Divisional Branch Management Committee).

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or telegram or telex or by telephone or verbally, provided that in the latter two instances, such is confirmed by letter or telegram or telex.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of Awards and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so

requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIAN BUILDING UNIONS DIVISIONAL BRANCH)

(i) In the Victorian Building Unions Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the three Divisional Branch Vice-Presidents, the Divisional Branch Secretary and the Divisional Branch Assistant Secretary.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designnating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victorian Divisional Branch, the Queensland Construction Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when

requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER (SOUTH AUSTRALIA)

In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with the Divisional Branch Secretary and Divisional Branch President sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the

Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

63A - SUB-BRANCHES

(i) In the Victorian FEDFA Divisional Branch there shall be such sub-branches as the Divisional Branch Management Committee or the Divisional Branch Council may from time to time determine, and until and unless either of those bodies determines otherwise, there shall be a La Trobe Valley Sub-Branch, which shall consist of all members of the Divisional Branch whose residential address, as last notified by the member to the office of the Divisional Branch, is no more than 75 kilometres from the Morwell post office, or within such other boundaries as the Divisional Branch Management Committee may from time to time determine.

(ii) Each Sub-Branch shall be governed by a Committee composed of a President, Vice-President, Secretary and four (4) committee members. On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the officers of the La Trobe Valley Sub-Branch shall be:

President	Rod Hart
Vice-President	Ray Johnston
Secretary	Trevor Williams
Committee Members	Frank Gaskall
	John Janiw
	Charlie Webb
	Wayne Pabst

The Sub-Branch officers shall be elected every four (4) years by secret postal ballot in the same manner, the necessary changes being made to reflect the smaller electorate, as for the election of delegates to Divisional Conference, provided that the first election for the four (4) year term of office shall not take place until 2004.

The duties of the Sub-Branch officers shall be those prescribed for the corresponding Divisional Branch officers with any necessary change to make them applicable to the Sub-Branch. The duty of the Committee shall be to govern the sub-Branch in between meetings of the Sub-Branch in accordance with these Rules.

(iii) The Sub-Committee shall be elected by ballot of the financial members of each Sub-Branch. The zone/district that a member is attached to for the purpose of this rule shall be the zone/district that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election. A member shall not be eligible to nominate for any of the positions set out in sub-clause (i) hereof unless he or she has been a member for three (3) months and that he or she be a financial member of the Sub-Branch at the date of nomination.

(iv) The Divisional Branch Returning Officer shall call for nominations for Sub-Branch officers and committee members at the same time and in the same manner as prescribed in Rule 17 of the National Rules and any election necessary shall be mutatis mutandis the provisions set out in Rule 17 of the National Rules.

(v) The Sub-Branch Secretary in addition to keeping minutes, accounts, books and documents the property of the sub-branch, shall pay all money received into the Branch General Account at the Commonwealth Bank. Except where otherwise agreed he or she shall present to each half-yearly meeting a balance sheet certified to by the Auditors and a copy of such balance sheet shall be forwarded to the Branch Secretary prior to the 31st July and 31st January in each year. The Sub-Branch Secretary allowance shall be fixed by the Committee of Management.

(vi) Sub-Branches shall meet for ordinary purposes at least quarterly at such time and place as the sub-Branch may decide.

(vii) Special meetings may be convened to consider important business. Such meetings shall be called:

(i) by direction of an ordinary meeting;

(ii) on demand by ten (10) financial members of the Sub-Branch;

(iii) by direction of the Sub-Branch Committee; or

(iv) on request by the Divisional Branch Management Committee.

Special meetings shall be notified by the Sub-Branch Secretary advising members by circular or where such is the practice by placing the circular on the noticeboard or by advertising in the press the time and place of such meetings and the business to be dealt with.

(viii) Sub-Branches shall have power to make by-laws governing the election and conduct of delegates to Labour Committees in their district.

(ix) Should a vacancy occur in an office of Secretary, Assistant Secretary, President, Vice President or Committee member the position shall be filled by the calling of nominations in conformity with these rules. If there be more than the required number of valid nominations for any office a ballot shall be held and conducted according to the ballot provisions of rule 17 of the National Rules.

The Divisional Branch Committee of Management shall determine the dates for the closing of nominations and the ballot. Provided however, if the unexpired portion of the term of office is three quarters of the term, that is three (3) years or less, the Divisional Branch Committee of Management after taking due regard to the wishes of the Sub-Branch shall have the power to appoint a member who is qualified by these rules to fill the vacancy for the balance of the term.

64 - STANDING ORDERS AND RULES OF DEBATE

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and shall place the number 2,3,4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters; preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than twelve financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

CLAY AND CERAMICS INDUSTRY DIVISIONAL BRANCH RULES

70 - CLAY AND CERAMICS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Clay and Ceramics Industry Divisional Branch of the Construction and General Division to which all members who are eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Clay and Ceramics Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Clay and Ceramics Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia,

together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Clay and Ceramics Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Clay and Ceramics Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Clay and Ceramics Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Clay and Ceramics Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) On and from the date of amalgamation, the officers of the Clay and Ceramics Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.).

(ii) (a) The Secretary of the Victorian Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch.

(b) The Secretary of the NSW Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(c) The Secretary of the W.A. Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Assistant Secretary (W.A.).

(d) The persons elected as organisers with the NSW and Victorian Branches of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Assistant Secretary (NSW) and Industry Divisional Branch Assistant Secretary (Victoria) respectively.

(iii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

(iv) (a) The Industry Divisional Branch Management Committee shall, at the first meeting following the amalgamation, elect from among its members an Industry Divisional Branch Vice -President (Honorary).

(b) The Industry Divisional Branch Vice President (Honorary) referred to in (a) above shall hold office until the election of his/her successor, which election shall occur as soon as practicable after the first election of the Industry Divisional Branch Management following the amalgamation.

(c) The Industry Divisional Branch Vice President (Honorary) shall be elected by and from the Industry Divisional Branch Management Committee as soon as practicable after the election of the Industry Divisional Branch Management Committee and shall hold office for a period of four years.

(d) The provisions of Rule 9, Divisional Executive, of these Divisional Rules relating to the election of the Divisional Officers and Divisional Executive shall apply, the necessary changes being made, to the election of the Industry Divisional Branch Vice President (Honorary). Provided however that the provisions of this rule relating to the timing of this election shally apply in lieu of like provisions in Rule 9.

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

On and from the date of amalgamation, the Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch Management Committee on a quota of one additional Management Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

Provided however that until the first election of Industry Divisional Branch Management Committee members following the amalgamation, those persons who were members of the Federal Executive of the FBTPU immediately prior to amalgamation, shall be members of the Industry Divisional Branch Management Committee.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

74 - SUB-BRANCH RULES

The Clay and Ceramics Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Clay and Ceramics Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Clay and Ceramics Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Clay and Ceramics Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) Upon amalgamation a capitation fee shall be paid by the Clay and Ceramics Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Clay and Ceramics Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - INDUSTRY DIVISIONAL BRANCH AND SUB BRANCH OFFICE FACILITIES

Notwithstanding the fact that by virtue of the amalgamation the assets of the FBTPU become the property of the amalgamated union, each Sub-Branch of the Clay and Ceramics Industry Divisional Branch shall have the right of continuing use and occupation of its existing premises where such premises were, as at the date of amalgamation, the property of the FBTPU.

79 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

80 - VARIATION TO RULES

The Clay and Ceramics Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Clay and Ceramics Industry Divisional Branch Management Committee

81 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Clay and Ceramics Industry Divisional Branch.

82 - DISSOLUTION OF BRANCH

(a) The Clay and Ceramics Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Industry Divisional Branch members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Clay and Ceramics Industry Divisional Branch, to close down or otherwise restructure the Clay and Ceramics Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Clay and Ceramics Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Clay and Ceramics Industry Divisional Branch is dissolved, members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Clay and Ceramics Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

83 - CLAY AND CERAMICS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Clay and Ceramics Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

84 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

85 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) Each officer within the Clay and Ceramics Industry Divisional Branch referred to in Rule 72 herein shall hold office until the elections of the Construction and General Division of the CFMEU are held in the year 2000, at which time elections for all offices within the Industry Divisional Branch shall also be held.

(b) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall, in the election referred to in sub-clause (a) herein, be elected by and from all members of the Industry Divisional Branch. Each of the three Industry Divisional Branch Assistant Secretaries shall be elected by and from those members in each of the three corresponding states for which a designated Assistant Secretary's position exists.

(c) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

END OF RULES

[105N-BWIU: Incorporates alterations of 16/3/04 in matters R2003/236 and R2004/157]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 80 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member in the States and Territory of Queensland, New South Wales, South Australia, The Australian Capital Territory, Northern Territory, Tasmania, Victoria, and Western Australia, who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (ie 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for The Building Workers' Industrial Union of Australia (or any branch thereof) or used by or for The Operative Plasterers and Plaster Workers' Federation of Australia (or any branch thereof) or Federated Engine Drivers and Firemen's Association of Australasia (or any Branch thereof) any other Union (or branch thereof) which has amalgamated with this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the National Building and Construction Industry Award 1990 or any award of the Australian Industrial Relations Commission replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the Australian Industrial Relations Commission.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5 and/or 6, be entitled to all the benefits of membership.

2. Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for a period or amount arising before or after the certification of this rule change for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

   (a) absence from Australia;

   (b) inability to carry on a member's vocation or calling through illness or injury;

   (c) unemployment

   (d) without being limited by any of the foregoing, any other hardship, or prejudice or disadvantage;

   (e) periods on workers' compensations or on any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

   (f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Further provided that the former members of the Federal Council of the Operative Painters and Decorators Union shall, upon amalgamation, be and remain, until the general election, members of the Divisional Conference. Such persons shall remain delegates to the Divisional Conference until 2 January 1997. Thereafter, any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall be a member of the Divisional Conference.

Further provided that those persons from the former Construction Labourers, Plasterers and Painters and the Construction Workers Divisional Branches in Western Australia who were Divisional Branch Delegates to Divisional Conference immediately prior to the integration of those Divisional Branches occurring, shall be members of the Divisional Conference until 2 January, 2001.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring

or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegates proxy.

(vii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that Divisional Branch entitlement to delegates shall be increased by the number of full-time Divisional Officers and full-time National Officers nominating as Divisional Conference delegates in that Divisional Branch in accordance with this sub-clause.

(viii) Six (6) delegates shall form a quorum of the Divisional Conference.

(ix) The expenses of delegates and Divisional Officers shall be paid by the Divisional Executive as follows: First class train fare with sleeper or, alternatively, plane fare. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(x) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xi) A Divisional Conference shall be held not later than December 31, 1993 and biennially thereafter at such place and time as the Divisional Executive shall decide.

(xii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiii) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xv) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, telegraphic, facsimile and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, as the case may be, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvi) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-papragraph xv) herein shall apply.

For the purposes of this sub-paragraph, any reference to a "matter or matters" shall be taken as a reference to a matter or matters raised with the Divisional Executive before or after the date upon which this sub-paragraph takes effect.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

   Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

   Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

   The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

   The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

   The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

   In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

   Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall be a member of the Divisional Executive.

   The Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. (i) Notwithstanding the provisions of rule 9.2, where an officer who was elected to hold an office, the duties of which are of a full-time nature, is due to retire within twelve (12) months after the expiration of the period for which the officer was elected, the officer may remain in that office without being re-elected until retirement, provided that the following shall apply:-

(ii) Nominations shall not be called for filling that position held by that officer until the retirement is to take place.

(iii) The date of retirement of that officer shall be within twelve (12) months after the expiration of the officers' term of office.

(iv) The term of office of the officer elected to fill the office held by the retiring officer shall be until the date of the officers successor taking office after the next scheduled quadrennial election.

(v) Where a member being a candidate duly nominated for election to a full-time office is a person who, if elected, will hold that office for a period in excess of the normal term of office of 4 years by virtue of this sub rule, the ballot papers for the election shall indicate the maximum period for which, if elected, the member may so hold office.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

(b) The retirement age for a full time officer shall be at the end of the term of office during which the member attains the age of 65 years.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (ie., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any any meeting shall be six. Notice of meetings may be given by letter or telegram or telex or facsimile or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11a)i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the clerical, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary that is not the designated Divisional Assistant Secretary in the case of the incumbent as at the date of certification of this rule amendment, may revert to an honorary office with the consent of that incumbent. Thereafter the office may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional President or the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in the States of Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2009. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January 2008.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this

rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(vi) Any reference in sub-paragraph (c) (iv and v) herein to the Building Unions Division, shall where the context permits, be taken to be a reference to the Construction and General Division.

(d) On and from the date of certification of this sub-rule, and until 2 January , 2001, the Officers of the CFMEU, Construction and General Division, Western Australia Divisional Branch shall be :-

Divisional Branch President	Kevin McParland
Divisional Branch Senior Vice President	Dave Simpson
Divisional Branch Vice President	Les Wellington
Divisional Branch Secretary	Kevin Reynolds
Divisional Branch Assistant Secretaries	Joe McDonald
	Kim Young
Divisional Branch Treasurer	Robert Olsen
Divisional Branch Trustees	Ian Hawkens
	Jim Reid
	Alan Williams
Divisional Branch Management Committee	Robert Manwaring
	Bernie Musial
	Brian Churchill
	Glen Hawkins
	Mick Holly
Divisional Branch Organisers	Mark Hudston
	Daron Smith
	Kevin Ennor
	Graham Pallot
	Dave King
	Jim Reid

(e) Victoria

(i) In the State of Victoria there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Victorian Building Unions Divisional Branch and the CFMEU, Construction and General Division, Victorian FEDFA Divisional Branch respectively. The Victorian FEDFA Divisional Branch shall consist of all Victorian members eligible for membership of the Division by virtue of rule 2(E) of the National Rules. All members of the Division in the State of Victoria who are not members of the Victorian FEDFA Divisional Branch shall be in the Building Unions Divisional Branch.

(ii) The Victorian FEDFA Divisional Branch referred to above may continue to exist for as long as is appropriate but no later than 30 September 2005. The two Victorian Divisional Branches shall effect restructuring by merging into a single Divisional Branch in Victoria by no later than 30 September 2005 and shall commence discussions on the terms of such merger upon the creation of the Victorian FEDFA Divisional Branch.

(iii) On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the Officers of the CFMEU, Construction and General Division, Victorian FEDFA Divisional Branch shall be:

President	Noel Washington
Vice President	Maurie Hill
Secretary	Tom Watson
Assistant Secretary	Ray Hallett
Divisional Branch Management Committee Members	Bill Neilson Jan Kadziela Steve Long Peter Andriske
Organisers	Colin Stewart Peter Andriske Maurie Hill Ken Johns
Organisers' representative on Divisional Branch Management Committee	Ken Johns
Divisional Branch Delegate/s to Divisional Conference	Noel Washington Tom Watson Bill Neilson

Thereafter, should the Divisional Branch continue to exist, the Officers of the Divisional Branch shall consist of Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (if deemed necessary by the Divisional Branch Management Committee), Divisional Branch Vice President (if deemed necessary by the Divisional Branch Management Committee) and Divisional Branch Management Committee members, and such Organisers as may be determined necessary as the Divisional Branch Council from time to time determines.

(iv) Notwithstanding any other rule to the contrary, while the Victorian FEDFA Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Victorian FEDFA Divisional Branch.

(v) The funds, property, assets and liabilities of or under the control of the CFMEU FEDFA Division, Victorian Divisional Branch, as they existed immediately prior to the certification of this sub-rule, shall be and become the funds, property, assets and liabilities of or under the control of the CFMEU Construction and General Division, Victorian FEDFA Divisional Branch immediately upon the certification of this sub-rule.

(f) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 361 Kent Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $20.00 and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $20.00.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $20.00 in any calendar year be imposed on any member or members.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, telegram, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland and Victoria in accordance with Rule 18 of these rules.

(c) There shall be an Industry Divisional Branch to be known as the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch. Sub-Branches of that Industry Divisional Branch shall be known as "X (Brick, Tile, Pottery, Construction Materials and Related Products) Sub-Branch" where X is the State or Territory concerned.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that in Western Australia membership shall be determined in accordance with Rule 18 herein and further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall be and remain members of the Australian Capital Territory Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Building Unions Divisional Branch

(a) The record of members of the Victorian Building Unions Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker

which shall be known as the member's designated classification.

(b) For the purpose of preparing the first record of members of the Victorian Building Unions Divisional Branch in accordance with the provisions of paragraph (a) hereof the Victorian Building Unions Divisional Branch Council shall:-

A. adopt the designated classification record of the BWIU, Victorian Branch immediately preceding the date of amalgamation; and

B. in relation to each member who joined the Victorian Building Unions Divisional Branch between the date of amalgamation and the date of certification of this sub-rule, amend the record having first determined the designated classification of that member having regard to the criteria set out in Rule 32 (iii) (f) (i), (ii) and (iii), the information contained in existing records held by the Victorian Building Unions Divisional Branch and such further information as the Victorian Building Divisional Branch Management Committee considers it necessary to obtain.

(c) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(d) In dealing with applications for membership the Victorian Building Unions Divisional Branch Management Committee shall determine each new member's designated classification.

(e) The Victorian Building Unions Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Building Unions Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Building Unions Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Building Unions Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Building Unions Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Building Unions Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Building Unions Divisional Branch accordingly.

(f) The Victorian Building Unions Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(g) Where the Victorian Building Unions Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Building Unions Divisional Branch Management Committee considers appropriate.

(h) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Building Unions Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(i) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) ACT Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the ACT Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the National Building and Construction Industry Award 1990 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Notwithstanding the foregoing, a member of the Victorian Divisional Branch who was a member of the Operative Painters and Decorators Union on 25 March 1993 and had paid his/her membership contribution up to 28 February 1994 shall be deemed, for all purposes, to be financial for the period 1 March 1994 to 30 September 1994 on the payment by that member of his/her membership contribution calculated in accordance with this Rule for the half year commencing on 1 April 1994.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with an employer (including any Government Department) or any Bank, Building Society, Credit Union or other financial institution for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from the wages or monies payable to the member or from any account maintained by the member as the case may be, and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule; provided that the member was financial immediately prior to arranging such deduction.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or on an injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $2 per copy.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b) A member who has been financial for 12 months at the time of becoming unemployed or unfinancial for a period of more than three months through sickness or other reasonable cause may have any contribution, fee, levy or other arrear cancelled, waived, credited or otherwise diminished in whole or in part if, in the opinion and absolute discretion of the Divisional Branch Management Committee, such a course of conduct is appropriate. Provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

Any credit, cancellation, waiver or diminution so granted by the Divisional Branch Management Committee shall be deducted from the amount of contributions, fees, levies or arrears due and payable by the member on the records of the Union.

Such cancellation, waiver, credit or diminution may be granted for any period either before or after the certification of this Rule change or before or after any application or proper case being presented for such cancellation, waiver, credit or diminution.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only

period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.

Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President, two Divisional Branch Vice-Presidents, (which positions shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Tasmanian Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) In the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, three (3) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divsional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, two Divisional Branch Assistant Secretaries (one of whom shall be from the former Operative Plasterers and Plaster Workers Federation until 1997 and thereafter the position shall be designated Assistant Secretary (Plasterers), Divisional Branch Organisers, and Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Committee of Management.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the ACT Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisonal Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) (a) In Victoria, the officers of the Victorian Building Unions Divisional Branch shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In Victoria, the Officers of the Victorian FEDFA Divisional Branch shall be in accordance Rule 18(e)(iii) of the Construction and General Division Rules.

The office of Organisers' Representative on Divisional Branch Management Committee shall be filled, subjec to Rule 18(e)(iii), by election by and from the elected Organisers of the FEDFA Divisional Branch, and such election shall occur as soon as practicable after the Branch elections. The rights, responsibilities and duties of the holder of that office shall be the same as the rights, responsibilities and duties of other members of the Divisional Branch Management Committee.

(c) Upon the occurrence of the merger of the two Victorian Divisional Branches referred to in paragraph 18(e)(ii) of these Divisional Rules, the offices of the merged branch shall be those offices referred to in paragraph (a) of this sub-rule, plus the following offices:

(A) Divisional Branch Senior Vice President (FEDFA), which shall be a full-time position;

(B) Divisional Branch Assistant Secretary (FEDFA), which shall be a full time position; and

(C) Divisional Branch Vice President (FEDFA), which shall be an honorary position;

and those offices shall be occupied from the time of the merger and for the remainder of the 2004-2008 term in accordance with subrule 38(ee) of these Divisional Rules, and thereafter by election in the normal way.

(vii) In South Australia the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, two (2) Divisional Branch Vice-Presidents, Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the South Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

(viii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) during the period of 12 months immediately preceding the calling of nominations was not unfinancial for a period longer than 3 months

(C) has been a financial member of the Divisional Branch for the continuous period specified in the scale in sub-rule (a)(vii) herein immediately preceding the calling of nominations and

(D) was, for not less than three quarters of the period of time from the date of certification of this sub-rule (or in the case of any amendments thereto, from the date of certification of such amendments) until the calling of nominations, or a total period of 9 months during the period of twelve months immediately preceding the calling of nominations, whichever is the lesser:

(i) employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch;

(ii) unemployed on account of illness, incapacity or inability to obtain employment; or

(iii) engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto

may nominate for such positions according to that scale.

(ii) Provided that any member who has reached the age of 65 years may not nominate for any Divisional Branch Management Committee member or Divisional Branch Councillor position or any office provided for in these Rules.

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(v) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(vi) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vii) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	) 3 years'
Divisional Branch President and Vice President	) financial) membership
Divisional Branch Delegate to Divisional Conference	))
Divisional Branch Management Committee Member	)) 1 year's
District Secretary/Organiser Organiser	) financial) membership
Divisional Branch Councillor, representatives	) financial) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by certified post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary and that envelope shall contain only the following documents -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(ii) an empty unsealed pre-paid post envelope addressed to the Divisional Branch Returning Officer, c/- the numbered mail box referred to in this rule;

(iii) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Branch Returning Officer may consider necessary;

(iv) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(v) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by certified mail all ballot papers. Provided that the Divisional Branch Executive may prior to the commencement of the ballot decide that certified mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Branch Returning Officer that they have paid all contributions, levies and fines prior to the 30th September in the year of the election shall be entitled to receive a ballot paper and the Divisional Branch Returning Officer shall send by certified post, a ballot paper in accordance with sub-rule (n) of this rule.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

(ee) The holders of the offices in the Victorian FEDFA Divisional Branch identified under the heading 'FEDFA Offices' in the table set out below, elected in the 2004 elections, shall, upon the merger of the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch referred to in paragraph 18(e)(ii) of these Divisional Rules, thereupon cease to occupy any office in the Victorian FEDFA Divisional Branch, and shall thereupon occupy the corresponding offices in the merged branch identified under the heading 'Merged Branch Offices' in the table set out below.

FEDFA Offices	Merged Branch Offices
Branch President	Branch Senior Vice President (FEDFA)
Branch Secretary	Branch Assistant Secretary (FEDFA)
Branch Assistant Secretary	Branch Vice-President (FEDFA)
Branch Vice President	Organiser
Organisers	Organisers
Member of Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Organisers' Representative on Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Member of Divisional Branch Council	Member of Divisional Branch Council

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: 25 councillors, 8 of which shall be carpenters, 4 builders labourers, 2 painters, 4 FEDFA (ie persons eligible pursuant to National Rule 2(E)), 2 plasterers, 1 glass worker, 1 stone mason, 1 slater and tiler, 1 bricklayer and 1 wall and floor tiler.

Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (ie members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (ie members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (ie members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	2000 - 2011 Inclusive 2014 - 2077 Inclusive 2079 - 2097 Inclusive 2099 - 2127 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive 2174 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2558 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2784 Inclusive

Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2280 - 2287 Inclusive 2289 - 2295 Inclusive 2297 - 2307 Inclusive 2314 - 2315 2320 - 2323 Inclusive 2325 - 2327 Inclusive 2330 - 2331 2334 - 2335 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2540 - 2541 2574 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii) In Queensland the State Management Committee of the Construction Workers Divisional Branch shall consist of twenty-one (21) members, including the Divisional Branch President (which position shall be honorary), Divisional Branch Secretary and three (3) Divisional Branch Assistant Secretaries. Each Divisional Branch Assistant Secretary shall be elected by and from those members who are eligible for membership of the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii); National Rule 2(A)(b) and National Rule 2(E) respectively. Provided however that in the event that the Assistant Secretary elected by and from the members eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii) is a plasterer, that person shall become Assistant Secretary (Plasterer) of the Divisional Branch. The Divisional Branch Secretary and the Divisional Branch President (Honorary) shall be elected by and from all members of the Divisional Branch

who are eligible to nominate and vote. There shall be a further sixteen (16) members on the State Management Committee who shall be elected as follows;

(i) ten (10) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2 (A)(a)(i) and (ii);

(ii) two (2) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(A)(b);

(iii) five (5) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(E)

subject to the proviso relating to Divisional Branch President, as set out hereunder:

Provided that the number of Management Committee members elected from one of the above subgroups shall be reduced by one. The subgroup to reduced shall be that which corresponds to the eligibility of the Divisional Branch President.

Further provided that the Divisional Branch Management Committee shall elect from its members three (3) Divisional Branch Vice-Presidents and one of each of the Divisional Branch Vice-Presidents shall be elected from representatives of each of the categories of members referred to in this sub-paragraph.

In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia

On and from the date of certification of this sub-rule and until 2 January 2001, in Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Divisional Branch Council members:

Peter Ballard
Peter Delaney
Kevin Ennor
Steve Evans
James Fox
Mark Hudston
Tony Kelly
Dave King
Ron Kinney
Tony Lovett
Peter McGraham
Kevin McGuire
Roy McIlwaine
Mick McMahon
Terry McParland
Peter Morrison

Graham Pallot
Daron Smith
Bob Wade
Paul Wrzos

On and from 2 January 2001 the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(vi) (a) A. In Victoria the Divisional Branch Council of the Victorian Building Unions Divisional Branch shall be constituted in accordance with this paragraph.

B. The Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with these rules.

C. The Zone Delegates to Divisional Branch Council referred to in sub-paragraph B hereof shall be determined in accordance with the following formula:-

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Provided further that until 2 January, 1997 of the Zone Delegates for each zone at least 2 shall be tradespersons and at least 2 shall be labourers. In the event that the number of tradesperson candidates for Zone Delegates positions is less than the minimum number of tradesperson delegates for that zone, each position for which there is no tradesperson candidate shall be filled by a labourer. In the event that the number of labourer candidates for Zone Delegate positions is less than the minimum number of labourer delegates for that zone, each position for which there is no labourer candidate shall be filled by a tradesperson.

For the purposes of this sub-rule "tradesperson" shall mean a member whose designated classification is either carpenter, stonemason or tilelayer and "labourer" shall mean a member whose designated classification is labourer in accordance with sub-rule 30 (iii).

Further provided that on and from 2 January, 1997 the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster

industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

D. Subject to sub-rule (4) (c) hereof the zones shall be in accordance with the following:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3461 "
	3464 - 3599 "
Northern Victoria	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(b) On and from the date of certification of this sub-rule and until 2 January 2005 or declaration of the election in 2004, whichever is later, and subject to the rules regarding the filling of casual vacancies, the Divisional Branch Council of the Victorian FEDFA Divisional Branch shall be all members of the Divisional Branch Management Committee (where those persons are not expressly included in the following list) and:

President	Noel Washington
Vice President	Maurie Hill
Secretary	Tom Watson
Assistant Secretary	Ray Hallett
Organiser Representative on Divisional Branch Council	Ken Johns
Country/Provincial District	Martin Murphy
	Mark Travis
	Colin Stewart
Metropolitan District	Bill Neilson
	Jan Kadziela

	Steve Long
	Peter Andriske
	Robbie Cecala
La Trobe Valley Sub-Branch	Rod Hart

Thereafter, should the Divisional Branch continue to exist, the Divisional Branch Council shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (where such an officer exists), the Divisional Branch Management Committee members, one (1) of whom shall be Vice President, and the district and sub-branch Councillors, together with a number of elected Branch Organisers (the number to be determined by the Divisional Branch Management Committee).

The district and sub-branch councillors shall be elected as follows:

(a) there shall be a Metropolitan District, which shall be comprised of all members of the Branch who reside within 75 kilometres of the Melbourne GPO, or within such other boundaries as the Divisional Branch Management Committee may determine, and the District shall comprise an electorate by and from which five councillors shall be elected; and

(b) there shall be a Country/Provincial District, which shall comprise all members of the Branch who do not reside within the Metropolitan District or any Sub-Branch, and that District shall comprise an electorate by and from which three councillors shall be elected; and

(c) one councillor shall be elected by and from the members of the La Trobe Valley Sub-Branch.

(c) On and from the occurrence of the merger referred to in paragraph 18(e)(ii) of these Divisional Rules, the members of the Divisional Branch Council of the merged branch shall be:

(A) all of the persons who were members of the Divisional Branch Council of the Victorian Building Unions Divisional Branch immediately prior to the merger; and

(B) all of the persons who were members of the Divisional Branch Council of the Victorian FEDFA Divisional Branch immediately prior to the merger.

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and twenty five (25) other members. The twenty five other members shall be made up as follows:

8 carpenters, 4 builders labourers, 2 painters, 4 FEDFA (ie persons eligible pursuant to National Rule 2(E)), 2 plasterers, 1 glass worker, 1 stone mason, 1 slater and tiler, 1 bricklayer and 1 wall and floor tiler.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the 25 other members of the New South Wales Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of 3 members eligible pursuant to National Rule 2(E), 9 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 14 other members, consisting of 3 carpenters, 3 builders labourers, 3 FEDFA (ie those eligible for membership pursuant to National Rule 2(E)), and 2 members from the combined classifications of bricklayer, plasterer and painter together with three other members of the Divisional Branch engaged in any off-site fixed establishment in the State of Tasmania.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in Tasmania the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a) In the Construction Workers Divisional Branch in Queensland, there shall be elected by and from the members of the Queensland Divisional Branch Management Committee as set out in Rule 40 hereof a Divisional Branch Executive of not less than 6 members including the Divisional Branch President and Divisional Branch Secretary.

Such election shall be conducted, the necessary changes being made in accordance with Rule 9 of the Divisional Rules.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in the first paragraph in this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

On and from 2 January, 1997 in the Queensland Construction Workers Divisional Branch the Divisional Branch Executive shall consist of eight (8) members elected by and from the Divisional Branch Management Committee including the Divisional Branch President (Honorary), Divisional Branch Secretary and the three (3) Divisional Branch Assistant Secretaries and three (3) other Executive members who are not full-time officials. Divisional Branch Executive members

who are not otherwise full-time officers of the Divisional Branch shall be elected from those members of the Divisional Branch Management Committee who are eligible for membership of the Union, the Division and the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii), National Rule 2(A)(b) and National Rule 2(E) and at least one member eligible in accordance with each of the aforementioned sub-rules shall occupy a position on the Divisional Branch Executive other than those occupied by the Divisional Branch Secretary and Divisional Branch Assistant Secretaries.

(b) Without affecting the term of office of persons holding office as Divisional Branch Executive members immediately prior to the date of certification of this sub-rule, the Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall, on and from 2 January, 1997 or the declaration of the election in 1996, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), 2 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, 2 Divisional Branch Assistant Secretaries (including Assistant Secretary (Plasterer)) and eleven other members. Provided however that there shall be at least 1 painter, 1 FEDFA (ie person eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and 1 other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in the Australian Capital Territory the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) A. In Victoria the Divisional Branch Management Committee shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and sixteen (16) others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

On and from the date of certification of this sub-rule, the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch shall also consist of one fibrous plasterer/fibrous plaster industry member.

B. On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch shall be:

Divisional Branch President	Noel Washington
Divisional Branch Vice President	Maurie Hill
Divisional Branch Secretary	Tom Watson
Divisional Branch Assistant Secretary	Ray Hallett
Divisional Branch Management Committee	Bill Neilson
	Jan Kadziela
	Steve Long
	Peter Andriske
Divisional Branch Management Committee Organiser Representative	Ken Johns

Thereafter, should the Divisional Branch continue to exist, the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Vice President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (when such an officer exists) and twelve other members (or such other number as determined by the Divisional Branch Council). Other members shall be elected from districts and/or sub-branches as determined by the Divisional Branch Council.

C. On and from the occurrence of the merger referred to in paragraph 18(e)(ii) of these Divisional Rules, the members of the Divisional Branch Management Committee of the merged branch shall be

(1) all of the persons who were members of the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch immediately prior to the merger; and

(2) all of the persons who were members of the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch immediately prior to the merger.

(vii) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, two (2) Divisional Branch Vice-Presidents, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Treasurer, two (2) Divisional Branch Trustees, one other Committee of Management member and no less than two organisers. Provided however that the Divisional Branch Committee of Management may determine such additional elected organisers positions as it considers appropriate and further provided that of the two elected organisers at least one shall be elected by and from those persons eligible for membership of the former Construction Labourers Divisional Branch and the other shall be elected by and from those persons eligible for membership of the former Construction Workers Divisional Branch.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in South Australia the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the

Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, three (3) Divisional Branch Management Committee members and three (3) Organisers (one of whom shall represent members eligible for membership of the former Construction Labourers Divisional Branch on the Divisional Branch Management Committee and one of whom shall represent members eligible for membership of the former Construction Workers Divisional Branch, on the Divisional Branch Management Committee).

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or telegram or telex or by telephone or verbally, provided that in the latter two instances, such is confirmed by letter or telegram or telex.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of Awards and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIAN BUILDING UNIONS DIVISIONAL BRANCH)

(i) In the Victorian Building Unions Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the three Divisional Branch Vice-Presidents, the Divisional Branch Secretary and the Divisional Branch Assistant Secretary.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designnating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victorian Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when

requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER (SOUTH AUSTRALIA)

In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with the Divisional Branch Secretary and Divisional Branch President sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the

Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

63A - SUB-BRANCHES

(i) In the Victorian FEDFA Divisional Branch there shall be such sub-branches as the Divisional Branch Management Committee or the Divisional Branch Council may from time to time determine, and until and unless either of those bodies determines otherwise, there shall be a La Trobe Valley Sub-Branch, which shall consist of all members of the Divisional Branch whose residential address, as last notified by the member to the office of the Divisional Branch, is no more than 75 kilometres from the Morwell post office, or within such other boundaries as the Divisional Branch Management Committee may from time to time determine.

(ii) Each Sub-Branch shall be governed by a Committee composed of a President, Vice-President, Secretary and four (4) committee members. On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the officers of the La Trobe Valley Sub-Branch shall be:

President	Rod Hart
Vice-President	Ray Johnston
Secretary	Trevor Williams
Committee Members	Frank Gaskall
	John Janiw
	Charlie Webb
	Wayne Pabst

The Sub-Branch officers shall be elected every four (4) years by secret postal ballot in the same manner, the necessary changes being made to reflect the smaller electorate, as for the election of delegates to Divisional Conference, provided that the first election for the four (4) year term of office shall not take place until 2004.

The duties of the Sub-Branch officers shall be those prescribed for the corresponding Divisional Branch officers with any necessary change to make them applicable to the Sub-Branch. The duty of the Committee shall be to govern the sub-Branch in between meetings of the Sub-Branch in accordance with these Rules.

(iii) The Sub-Committee shall be elected by ballot of the financial members of each Sub-Branch. The zone/district that a member is attached to for the purpose of this rule shall be the zone/district that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election. A member shall not be eligible to nominate for any of the positions set out in sub-clause (i) hereof unless he or she has been a member for three (3) months and that he or she be a financial member of the Sub-Branch at the date of nomination.

(iv) The Divisional Branch Returning Officer shall call for nominations for Sub-Branch officers and committee members at the same time and in the same manner as prescribed in Rule 17 of the National Rules and any election necessary shall be mutatis mutandis the provisions set out in Rule 17 of the National Rules.

(v) The Sub-Branch Secretary in addition to keeping minutes, accounts, books and documents the property of the sub-branch, shall pay all money received into the Branch General Account at the Commonwealth Bank. Except where otherwise agreed he or she shall present to each half-yearly meeting a balance sheet certified to by the Auditors and a copy of such balance sheet shall be forwarded to the Branch Secretary prior to the 31st July and 31st January in each year. The Sub-Branch Secretary allowance shall be fixed by the Committee of Management.

(vi) Sub-Branches shall meet for ordinary purposes at least quarterly at such time and place as the sub-Branch may decide.

(vii) Special meetings may be convened to consider important business. Such meetings shall be called:

(i) by direction of an ordinary meeting;

(ii) on demand by ten (10) financial members of the Sub-Branch;

(iii) by direction of the Sub-Branch Committee; or

(iv) on request by the Divisional Branch Management Committee.

Special meetings shall be notified by the Sub-Branch Secretary advising members by circular or where such is the practice by placing the circular on the noticeboard or by advertising in the press the time and place of such meetings and the business to be dealt with.

(viii) Sub-Branches shall have power to make by-laws governing the election and conduct of delegates to Labour Committees in their district.

(ix) Should a vacancy occur in an office of Secretary, Assistant Secretary, President, Vice President or Committee member the position shall be filled by the calling of nominations in conformity with these rules. If there be more than the required number of valid nominations for any office a ballot shall be held and conducted according to the ballot provisions of rule 17 of the National Rules.

The Divisional Branch Committee of Management shall determine the dates for the closing of nominations and the ballot. Provided however, if the unexpired portion of the term of office is three quarters of the term, that is three (3) years or less, the Divisional Branch Committee of Management after taking due regard to the wishes of the Sub-Branch shall have the power to appoint a member who is qualified by these rules to fill the vacancy for the balance of the term.

64 - STANDING ORDERS AND RULES OF DEBATE

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and shall place the number 2,3,4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters; preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than twelve financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES

70 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division to which all members who are eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia, together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) On and from the date of amalgamation, the officers of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.).

(ii) (a) The Secretary of the Victorian Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(b) The Secretary of the NSW Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch President (Honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(c) The Secretary of the W.A. Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Assistant Secretary (W.A.).

(d) The persons elected as organisers with the NSW and Victorian Branches of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Assistant Secretary (NSW) and Industry Divisional Branch Assistant Secretary (Victoria) respectively.

(iii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

(iv) (a) The Industry Divisional Branch Management Committee shall, at the first meeting following the amalgamation, elect from among its members an Industry Divisional Branch Vice -President (Honorary).

(b) The Industry Divisional Branch Vice President (Honorary) referred to in (a) above shall hold office until the election of his/her successor, which election shall occur as soon as practicable after the first election of the Industry Divisional Branch Management following the amalgamation.

(c) The Industry Divisional Branch Vice President (Honorary) shall be elected by and from the Industry Divisional Branch Management Committee as soon as practicable after the election of the Industry Divisional Branch Management Committee and shall hold office for a period of four years.

(d) The provisions of Rule 9, Divisional Executive, of these Divisional Rules relating to the election of the Divisional Officers and Divisional Executive shall apply, the necessary changes being made, to the election of the Industry Divisional Branch Vice President (Honorary). Provided however that the provisions of this rule relating to the timing of this election shally apply in lieu of like provisions in Rule 9.

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

On and from the date of amalgamation, the Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch Management Committee on a quota of one additional Management Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

Provided however that until the first election of Industry Divisional Branch Management Committee members following the amalgamation, those persons who were members of the Federal Executive of the FBTPU immediately prior to amalgamation, shall be members of the Industry Divisional Branch Management Committee.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

74 - SUB-BRANCH RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) Upon amalgamation a capitation fee shall be paid by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - INDUSTRY DIVISIONAL BRANCH AND SUB BRANCH OFFICE FACILITIES

Notwithstanding the fact that by virtue of the amalgamation the assets of the FBTPU become the property of the amalgamated union, each Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall have the right of continuing use and occupation of its existing premises where such premises were, as at the date of amalgamation, the property of the FBTPU.

79 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

80 - VARIATION TO RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Management Committee

81 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

82 - DISSOLUTION OF BRANCH

(a) The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Industry Divisional Branch members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch, to close down or otherwise restructure the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch is dissolved, members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

83 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

84 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

85 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) Each officer within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch referred to in Rule 72 herein shall hold office until the elections of the Construction and General Division of the CFMEU are held in the year 2000, at which time elections for all offices within the Industry Divisional Branch shall also be held.

(b) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall, in the election referred to in sub-clause (a) herein, be elected by and from all members of the Industry Divisional Branch. Each of the three Industry Divisional Branch Assistant Secretaries shall be elected by and from those members in each of the three corresponding states for which a designated Assistant Secretary's position exists.

(c) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

END OF RULES

[105N-BWIU: Incorporates alterations of 20/7/04 in matters R2004/329, R2004/368 and R2004/370]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 82 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member in the States and Territory of Queensland, New South Wales, South Australia, The Australian Capital Territory, Northern Territory, Tasmania, Victoria, and Western Australia, who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (ie 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“UNFINANCIAL DIVISIONAL BRANCH” shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for The Building Workers' Industrial Union of Australia (or any branch thereof) or used by or for The Operative Plasterers and Plaster Workers' Federation of Australia (or any branch thereof) or Federated Engine Drivers and Firemen's Association of Australasia (or any Branch thereof) any other Union (or branch thereof) which has amalgamated with this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the National Building and Construction Industry Award 1990 or any award of the Australian Industrial Relations Commission replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the Australian Industrial Relations Commission.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5 and/or 6, be entitled to all the benefits of membership.

2. Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for a period or amount arising before or after the certification of this rule change for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

   (a) absence from Australia;

   (b) inability to carry on a member's vocation or calling through illness or injury;

   (c) unemployment

   (d) without being limited by any of the foregoing, any other hardship, or prejudice or disadvantage;

   (e) periods on workers' compensations or on any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

   (f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Further provided that the former members of the Federal Council of the Operative Painters and Decorators Union shall, upon amalgamation, be and remain, until the general election, members of the Divisional Conference. Such persons shall remain delegates to the Divisional Conference until 2 January 1997. Thereafter, any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, until the declaration of the election in 2004 only, be, by virtue of the holding of such office, a member of the Divisional Conference. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Conference.

Further provided that those persons from the former Construction Labourers, Plasterers and Painters and the Construction Workers Divisional Branches in Western Australia who were Divisional Branch Delegates to Divisional Conference immediately prior to the integration of those Divisional Branches occurring, shall be members of the Divisional Conference until 2 January, 2001.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegates proxy.

(vii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(viii) Six (6) delegates shall form a quorum of the Divisional Conference.

(ix) The expenses of delegates and Divisional Officers shall be paid by the Divisional Executive as follows: First class train fare with sleeper or, alternatively, plane fare. All other expenses for

delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(x) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xi) A Divisional Conference shall be held not later than December 31, 1993 and biennially thereafter at such place and time as the Divisional Executive shall decide.

(xii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiii) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xv) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, telegraphic, facsimile and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, as the case may be, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvi) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-papragraph xv) herein shall apply.

For the purposes of this sub-paragraph, any reference to a "matter or matters" shall be taken as a reference to a matter or matters raised with the Divisional Executive before or after the date upon which this sub-paragraph takes effect.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

   Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

   Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

   The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

   The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

   The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

   In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

   Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, only until the declaration of the election in 2004, be a member of the Divisional Executive. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. (i) Notwithstanding the provisions of rule 9.2, where an officer who was elected to hold an office, the duties of which are of a full-time nature, is due to retire within twelve (12) months after the expiration of the period for which the officer was elected, the officer may remain in that office without being re-elected until retirement, provided that the following shall apply:-

(ii) Nominations shall not be called for filling that position held by that officer until the retirement is to take place.

(iii) The date of retirement of that officer shall be within twelve (12) months after the expiration of the officers' term of office.

(iv) The term of office of the officer elected to fill the office held by the retiring officer shall be until the date of the officers successor taking office after the next scheduled quadrennial election.

(v) Where a member being a candidate duly nominated for election to a full-time office is a person who, if elected, will hold that office for a period in excess of the normal term of office of 4 years by virtue of this sub rule, the ballot papers for the election shall indicate the maximum period for which, if elected, the member may so hold office.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall

represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

(b) The retirement age for a full time officer shall be at the end of the term of office during which the member attains the age of 65 years.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (ie., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such

a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the

Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any any meeting shall be six. Notice of meetings may be given by letter or telegram or telex or facsimile or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11a)i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the clerical, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary that is not the designated Divisional Assistant Secretary in the case of the incumbent as at the date of certification of this rule amendment, may revert to an honorary office with the consent of that incumbent. Thereafter the office may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional President or the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in the States of Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that

State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2009. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January 2008.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

Further provided that on and from 2 January 2005 or the declaration of the election in 2004 whichever is the later, this sub-rule shall have no application to the South Australian Divisional Branch.

(vi) Any reference in sub-paragraph (c) (iv and v) herein to the Building Unions Division, shall where the context permits, be taken to be a reference to the Construction and General Division.

(d) On and from the date of certification of this sub-rule, and until 2 January , 2001, the Officers of the CFMEU, Construction and General Division, Western Australia Divisional Branch shall be :-

Divisional Branch President	Kevin McParland
Divisional Branch Senior Vice President	Dave Simpson
Divisional Branch Vice President	Les Wellington
Divisional Branch Secretary	Kevin Reynolds
Divisional Branch Assistant Secretaries	Joe McDonald
	Kim Young
Divisional Branch Treasurer	Robert Olsen
Divisional Branch Trustees	Ian Hawkens
	Jim Reid
	Alan Williams
Divisional Branch Management Committee	Robert Manwaring
	Bernie Musial
	Brian Churchill
	Glen Hawkins
	Mick Holly
Divisional Branch Organisers	Mark Hudston
	Daron Smith
	Kevin Ennor
	Graham Pallot
	Dave King
	Jim Reid

(e) Victoria

(i) In the State of Victoria there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Victorian Building Unions Divisional Branch and the CFMEU, Construction and General Division, Victorian FEDFA Divisional Branch respectively. The Victorian FEDFA Divisional Branch shall consist of all Victorian members eligible for membership of the Division by virtue of rule 2(E) of the National Rules. All members of the Division in the State of Victoria who are not members of the Victorian FEDFA Divisional Branch shall be in the Building Unions Divisional Branch.

(ii) The Victorian FEDFA Divisional Branch referred to above may continue to exist for as long as is appropriate but no later than 30 September 2005. The two Victorian Divisional Branches shall effect restructuring by merging into a single Divisional Branch in Victoria by no later than 30 September 2005 and shall commence discussions on the terms of such merger upon the creation of the Victorian FEDFA Divisional Branch.

(iii) On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the Officers of the CFMEU, Construction and General Division, Victorian FEDFA Divisional Branch shall be:

President	Noel Washington
Vice President	Maurie Hill
Secretary	Tom Watson
Assistant Secretary	Ray Hallett
Divisional Branch Management Committee Members	Bill Neilson

	Jan Kadziela Steve Long Peter Andriske
Organisers	Colin Stewart Peter Andriske Maurie Hill Ken Johns
Organisers' representative on Divisional Branch Management Committee	Ken Johns
Divisional Branch Delegate/s to Divisional Conference	Noel Washington Tom Watson Bill Neilson

Thereafter, should the Divisional Branch continue to exist, the Officers of the Divisional Branch shall consist of Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (if deemed necessary by the Divisional Branch Management Committee), Divisional Branch Vice President (if deemed necessary by the Divisional Branch Management Committee) and Divisional Branch Management Committee members, and such Organisers as may be determined necessary as the Divisional Branch Council from time to time determines.

(iv) Notwithstanding any other rule to the contrary, while the Victorian FEDFA Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Victorian FEDFA Divisional Branch.

(v) The funds, property, assets and liabilities of or under the control of the CFMEU FEDFA Division, Victorian Divisional Branch, as they existed immediately prior to the certification of this sub-rule, shall be and become the funds, property, assets and liabilities of or under the control of the CFMEU Construction and General Division, Victorian FEDFA Divisional Branch immediately upon the certification of this sub-rule.

(f) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 361 Kent Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $20.00 and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $20.00.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $20.00 in any calendar year be imposed on any member or members.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, telegram, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland and Victoria in accordance with Rule 18 of these rules.

(c) There shall be an Industry Divisional Branch to be known as the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch. Sub-Branches of that Industry Divisional Branch shall be known as “X (Brick, Tile, Pottery, Construction Materials and Related Products) Sub-Branch” where X is the State or Territory concerned.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that in Western Australia membership shall be determined in accordance with Rule 18 herein and further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall be and remain members of the Australian Capital Territory Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Building Unions Divisional Branch

(a) The record of members of the Victorian Building Unions Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;

(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker

which shall be known as the member's designated classification.

(b) For the purpose of preparing the first record of members of the Victorian Building Unions Divisional Branch in accordance with the provisions of paragraph (a) hereof the Victorian Building Unions Divisional Branch Council shall:-

A. adopt the designated classification record of the BWIU, Victorian Branch immediately preceding the date of amalgamation; and

B. in relation to each member who joined the Victorian Building Unions Divisional Branch between the date of amalgamation and the date of certification of this sub-rule, amend the record having first determined the designated classification of that member having regard to the criteria set out in Rule 32 (iii) (f) (i), (ii) and (iii), the information contained in existing records held by the Victorian Building Unions Divisional Branch and such further information as the Victorian Building Divisional Branch Management Committee considers it necessary to obtain.

(c) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(d) In dealing with applications for membership the Victorian Building Unions Divisional Branch Management Committee shall determine each new member's designated classification.

(e) The Victorian Building Unions Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Building Unions Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Building Unions Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Building Unions Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Building Unions Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Building Unions Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Building Unions Divisional Branch accordingly.

(f) The Victorian Building Unions Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with

paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(g) Where the Victorian Building Unions Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Building Unions Divisional Branch Management Committee considers appropriate.

(h) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Building Unions Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(i) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) ACT Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the ACT Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the National Building and Construction Industry Award 1990 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Notwithstanding the foregoing, a member of the Victorian Divisional Branch who was a member of the Operative Painters and Decorators Union on 25 March 1993 and had paid his/her membership contribution up to 28 February 1994 shall be deemed, for all purposes, to be financial for the period 1 March 1994 to 30 September 1994 on the payment by that member of his/her membership contribution calculated in accordance with this Rule for the half year commencing on 1 April 1994.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with an employer (including any Government Department) or any Bank, Building Society, Credit Union or other financial institution for the regular deduction, on the authority of a member, of amounts

whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from the wages or monies payable to the member or from any account maintained by the member as the case may be, and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule; provided that the member was financial immediately prior to arranging such deduction.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or on an injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $2 per copy.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b) A member who has been financial for 12 months at the time of becoming unemployed or unfinancial for a period of more than three months through sickness or other reasonable cause may have any contribution, fee, levy or other arrear cancelled, waived, credited or otherwise diminished in whole or in part if, in the opinion and absolute discretion of the Divisional Branch Management Committee, such a course of conduct is appropriate. Provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

Any credit, cancellation, waiver or diminution so granted by the Divisional Branch Management Committee shall be deducted from the amount of contributions, fees, levies or arrears due and payable by the member on the records of the Union.

Such cancellation, waiver, credit or diminution may be granted for any period either before or after the certification of this Rule change or before or after any application or proper case being presented for such cancellation, waiver, credit or diminution.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President, two Divisional Branch Vice-Presidents, (which positions shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Tasmanian Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) In the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, three (3) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January. 2005 or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divsional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, two Divisional Branch Assistant Secretaries (one of whom shall be from the former Operative Plasterers and Plaster Workers Federation until 1997 and thereafter the position shall be designated Assistant Secretary (Plasterers), Divisional Branch Organisers, and Divisional Branch

Delegates to Divisional Conference and members of the Divisional Branch Committee of Management.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the ACT Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisonal Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) (a) In Victoria, the officers of the Victorian Building Unions Divisional Branch shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In Victoria, the Officers of the Victorian FEDFA Divisional Branch shall be in accordance Rule 18(e)(iii) of the Construction and General Division Rules.

The office of Organisers' Representative on Divisional Branch Management Committee shall be filled, subjec to Rule 18(e)(iii), by election by and from the elected Organisers of the FEDFA Divisional Branch, and such election shall occur as soon as practicable after the Branch elections. The rights, responsibilities and duties of the holder of that office shall be the same as the rights, responsibilities and duties of other members of the Divisional Branch Management Committee.

(c) Upon the occurrence of the merger of the two Victorian Divisional Branches referred to in paragraph 18(e)(ii) of these Divisional Rules, the offices of the merged branch shall be those offices referred to in paragraph (a) of this sub-rule, plus the following offices:

(A) Divisional Branch Senior Vice President (FEDFA), which shall be a full-time position;

(B) Divisional Branch Assistant Secretary (FEDFA), which shall be a full time position; and

(C) Divisional Branch Vice President (FEDFA), which shall be an honorary position;

and those offices shall be occupied from the time of the merger and for the remainder of the 2004-2008 term in accordance with subrule 38(ee) of these Divisional Rules, and thereafter by election in the normal way.

(vii) The officers of the South Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the South Australia Divisional Branch shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(viii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) during the period of 12 months immediately preceding the calling of nominations was not unfinancial for a period longer than 3 months

(C) has been a financial member of the Divisional Branch for the continuous period specified in the scale in sub-rule (a)(vii) herein immediately preceding the calling of nominations and

(D) was, for not less than three quarters of the period of time from the date of certification of this sub-rule (or in the case of any amendments thereto, from the date of certification of such amendments) until the calling of nominations, or a total period of 9 months during the period of twelve months immediately preceding the calling of nominations, whichever is the lesser:

(i) employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch;

(ii) unemployed on account of illness, incapacity or inability to obtain employment; or

(iii) engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto

may nominate for such positions according to that scale.

(ii) Provided that any member who has reached the age of 65 years may not nominate for any Divisional Branch Management Committee member or Divisional Branch Councillor position or any office provided for in these Rules.

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(v) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(vi) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vii) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	) 3 years'
Divisional Branch President	
Divisional Branch Senior Vice-President and Vice President	) financial
	) membership
Divisional Branch Delegate to Divisional Conference	)
	)
Divisional Branch Management	)

Committee Member	) 1 year's
District Secretary/Organiser	) financial
Organiser	) membership
Divisional Branch Councillor,	) financial
representatives	) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Branch Returning Officer that they have paid all contributions, levies and fines prior to the 30th September in the year of the election shall be entitled to receive a ballot paper and the Divisional Branch Returning Officer shall send by certified post, a ballot paper in accordance with sub-rule (n) of this rule.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

(ee) The holders of the offices in the Victorian FEDFA Divisional Branch identified under the heading 'FEDFA Offices' in the table set out below, elected in the 2004 elections, shall, upon the merger of the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch referred to in paragraph 18(e)(ii) of these Divisional Rules, thereupon cease to occupy any office in the Victorian FEDFA Divisional Branch, and shall thereupon occupy the corresponding offices in the merged branch identified under the heading 'Merged Branch Offices' in the table set out below.

FEDFA Offices	Merged Branch Offices
Branch President	Branch Senior Vice President (FEDFA)
Branch Secretary	Branch Assistant Secretary (FEDFA)
Branch Assistant Secretary	Branch Vice-President (FEDFA)
Branch Vice President	Organiser
Organisers	Organisers
Member of Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Organisers' Representative on Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Member of Divisional Branch Council	Member of Divisional Branch Council

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (ie members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (ie members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (ie members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	2000 - 2011 Inclusive 2014 - 2077 Inclusive 2079 - 2097 Inclusive 2099 - 2127 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive 2174 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2558 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2784 Inclusive

Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2280 - 2287 Inclusive 2289 - 2295 Inclusive 2297 - 2307 Inclusive 2314 - 2315 2320 - 2323 Inclusive 2325 - 2327 Inclusive 2330 - 2331 2334 - 2335 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2540 - 2541 2574 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii) (A) In Queensland the State Management Committee of the Construction Workers Divisional Branch shall consist of twenty-one (21) members, including the Divisional Branch President (which position shall be honorary), Divisional Branch Secretary and three (3) Divisional Branch Assistant Secretaries. Each Divisional Branch Assistant Secretary shall be elected by and from those members who are eligible for membership of the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii); National Rule 2(A)(b) and National Rule 2(E) respectively. Provided however that in the event that the Assistant Secretary elected by and from the members eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii) is a plasterer, that person shall become Assistant Secretary (Plasterer) of the Divisional Branch. The Divisional Branch Secretary and the Divisional Branch President (Honorary) shall be elected by and from all members of the Divisional

Branch who are eligible to nominate and vote. There shall be a further sixteen (16) members on the State Management Committee who shall be elected as follows;

(i) ten (10) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2 (A)(a)(i) and (ii);

(ii) two (2) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(A)(b);

(iii) five (5) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(E)

subject to the proviso relating to Divisional Branch President, as set out hereunder:

Provided that the number of Management Committee members elected from one of the above subgroups shall be reduced by one. The subgroup to reduced shall be that which corresponds to the eligibility of the Divisional Branch President.

Further provided that the Divisional Branch Management Committee shall elect from its members three (3) Divisional Branch Vice-Presidents and one of each of the Divisional Branch Vice-Presidents shall be elected from representatives of each of the categories of members referred to in this sub-paragraph.

(B) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule B) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Management Committee shall elect from its members 3 Divisional Branch Vice Presidents.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

(C) In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia

On and from the date of certification of this sub-rule and until 2 January 2001, in Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Divisional Branch Council members:

Peter Ballard
Peter Delaney
Kevin Ennor
Steve Evans
James Fox
Mark Hudston
Tony Kelly
Dave King
Ron Kinney
Tony Lovett
Peter McGraham
Kevin McGuire
Roy McIlwaine
Mick McMahon
Terry McParland
Peter Morrison
Graham Pallot
Daron Smith
Bob Wade
Paul Wrzos

On and from 2 January 2001 the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(vi) (a) A. In Victoria the Divisional Branch Council of the Victorian Building Unions Divisional Branch shall be constituted in accordance with this paragraph.

B. The Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with these rules.

C. The Zone Delegates to Divisional Branch Council referred to in sub-paragraph B hereof shall be determined in accordance with the following formula:-

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Provided further that until 2 January, 1997 of the Zone Delegates for each zone at least 2 shall be tradespersons and at least 2 shall be labourers. In the event that the number of tradesperson candidates for Zone Delegates positions is less than the minimum number of tradesperson delegates for that zone, each position for which there is no tradesperson candidate shall be filled by a labourer. In the event that the number of labourer candidates for Zone Delegate positions is less than the minimum number of labourer delegates for that zone, each position for which there is no labourer candidate shall be filled by a tradesperson.

For the purposes of this sub-rule "tradesperson" shall mean a member whose designated classification is either carpenter, stonemason or tilelayer and "labourer" shall mean a member whose designated classification is labourer in accordance with sub-rule 30 (iii).

Further provided that on and from 2 January, 1997 the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

D. Subject to sub-rule (4) (c) hereof the zones shall be in accordance with the following:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3461 "
	3464 - 3599 "
Northern Victoria	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(b) On and from the date of certification of this sub-rule and until 2 January 2005 or declaration of the election in 2004, whichever is later, and subject to the rules regarding the filling of casual vacancies, the Divisional Branch Council of the Victorian FEDFA Divisional Branch shall be all members of the Divisional Branch Management Committee (where those persons are not expressly included in the following list) and:

President	Noel Washington
Vice President	Maurie Hill
Secretary	Tom Watson
Assistant Secretary	Ray Hallett
Organiser Representative on Divisional Branch Council	Ken Johns
Country/Provincial District	Martin Murphy
	Mark Travis
	Colin Stewart
Metropolitan District	Bill Neilson
	Jan Kadziela
	Steve Long
	Peter Andriske
	Robbie Cecala
La Trobe Valley Sub-Branch	Rod Hart

Thereafter, should the Divisional Branch continue to exist, the Divisional Branch Council shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (where such an officer exists), the Divisional Branch Management Committee members, one (1) of whom shall be Vice President, and the district and sub-branch Councillors, together with a number of elected Branch Organisers (the number to be determined by the Divisional Branch Management Committee).

The district and sub-branch councillors shall be elected as follows:

(a) there shall be a Metropolitan District, which shall be comprised of all members of the Branch who reside within 75 kilometres of the Melbourne GPO, or within such other boundaries as the Divisional Branch Management Committee may determine, and the District shall comprise an electorate by and from which five councillors shall be elected; and

(b) there shall be a Country/Provincial District, which shall comprise all members of the Branch who do not reside within the Metropolitan District or any Sub-Branch, and that District shall comprise an electorate by and from which three councillors shall be elected; and

(c) one councillor shall be elected by and from the members of the La Trobe Valley Sub-Branch.

(c) On and from the occurrence of the merger referred to in paragraph 18(e)(ii) of these Divisional Rules, the members of the Divisional Branch Council of the merged branch shall be:

(A) all of the persons who were members of the Divisional Branch Council of the Victorian Building Unions Divisional Branch immediately prior to the merger; and

(B) all of the persons who were members of the Divisional Branch Council of the Victorian FEDFA Divisional Branch immediately prior to the merger.

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 25 other members consisting of 3 members eligible pursuant to National Rule 2(E), 9 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer. Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25 and 9 in the immediately preceding sentence shall be read as 26 and 10 respectively.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 14 other members, consisting of 3 carpenters, 3 builders labourers, 3 FEDFA (ie those eligible for membership pursuant to National Rule 2(E)), and 2 members from the combined classifications of bricklayer, plasterer and painter together with three other members of the Divisional Branch engaged in any off-site fixed establishment in the State of Tasmania.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in Tasmania the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a) In the Construction Workers Divisional Branch in Queensland, there shall be elected by and from the members of the Queensland Divisional Branch Management Committee as set out in Rule 40 hereof a Divisional Branch Executive of not less than 6 members including the Divisional Branch President and Divisional Branch Secretary.

Such election shall be conducted, the necessary changes being made in accordance with Rule 9 of the Divisional Rules.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in the first, fourth and fifth paragraph in this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

On and from 2 January, 1997 in the Queensland Construction Workers Divisional Branch the Divisional Branch Executive shall consist of eight (8) members elected by and from the Divisional Branch Management Committee including the Divisional Branch President (Honorary), Divisional Branch Secretary and the three (3) Divisional Branch Assistant Secretaries and three (3) other Executive members who are not full-time officials. Divisional Branch Executive members who are not otherwise full-time officers of the Divisional Branch shall be elected from those members of the Divisional Branch Management Committee who are eligible for membership of the Union, the Division and the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii), National Rule 2(A)(b) and National Rule 2(E) and at least one member eligible in accordance with each of the aforementioned sub-rules shall occupy a position on the Divisional Branch Executive other than those occupied by the Divisional Branch Secretary and Divisional Branch Assistant Secretaries.

On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Secretary;

C. all the Divisional Branch Assistant Secretaries; and

D. 3 members elected by and from the Divisional Branch Management Committee, 1 of whom is eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii); 1 of whom is eligible for membership pursuant to National Rule 2(A)(b); and 1 of whom is eligible for membership pursuant to National Rule 2(E).

(b) Without affecting the term of office of persons holding office as Divisional Branch Executive members immediately prior to the date of certification of this sub-rule, the Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall, on and from 2 January, 1997 or the declaration of the election in 1996, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), 2 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, 2 Divisional Branch Assistant Secretaries (including Assistant Secretary (Plasterer)) and eleven other members. Provided however that there shall be at least 1 painter, 1 FEDFA (ie person eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and 1 other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in the Australian Capital Territory the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) A. In Victoria the Divisional Branch Management Committee shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and sixteen (16) others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, and 2 other members elected from

bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

On and from the date of certification of this sub-rule, the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch shall also consist of one fibrous plasterer/fibrous plaster industry member.

B. On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch shall be:

Divisional Branch President	Noel Washington
Divisional Branch Vice President	Maurie Hill
Divisional Branch Secretary	Tom Watson
Divisional Branch Assistant Secretary	Ray Hallett
Divisional Branch Management Committee	Bill Neilson
	Jan Kadziela
	Steve Long
	Peter Andriske
Divisional Branch Management Committee Organiser Representative	Ken Johns

Thereafter, should the Divisional Branch continue to exist, the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Vice President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (when such an officer exists) and twelve other members (or such other number as determined by the Divisional Branch Council). Other members shall be elected from districts and/or sub-branches as determined by the Divisional Branch Council.

C. On and from the occurrence of the merger referred to in paragraph 18(e)(ii) of these Divisional Rules, the members of the Divisional Branch Management Committee of the merged branch shall be

(1) all of the persons who were members of the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch immediately prior to the merger; and

(2) all of the persons who were members of the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch immediately prior to the merger.

(vii) In South Australia the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, three (3) Divisional Branch Management Committee members and three (3) Organisers (one of whom shall represent members eligible for membership of the former Construction Labourers Divisional Branch on the Divisional Branch Management Committee and one of whom shall represent members eligible for membership of the former Construction Workers Divisional Branch, on the Divisional Branch Management Committee).

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-

rule, in South Australia the Divisional Branch Management Committee shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of Awards and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch

Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach

agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIAN BUILDING UNIONS DIVISIONAL BRANCH)

(i) In the Victorian Building Unions Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the three Divisional Branch Vice-Presidents, the Divisional Branch Secretary and the Divisional Branch Assistant Secretary.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designnating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victorian Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when

requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER AND SENIOR VICE-PRESIDENT (SOUTH AUSTRALIA)

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the South Australian Divisional Branch the Divisional Branch Senior Vice President shall be a full time position. He/she shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President.

The Divisional Branch Senior Vice President shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall work under the direction of the Divisonal Branch Secretary. He/she shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the

original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

63A - SUB-BRANCHES

(i) In the Victorian FEDFA Divisional Branch there shall be such sub-branches as the Divisional Branch Management Committee or the Divisional Branch Council may from time to time determine, and until and unless either of those bodies determines otherwise, there shall be a La Trobe Valley Sub-Branch, which shall consist of all members of the Divisional Branch whose residential address, as last notified by the member to the office of the Divisional Branch, is no more than 75 kilometres from the Morwell post office, or within such other boundaries as the Divisional Branch Management Committee may from time to time determine.

(ii) Each Sub-Branch shall be governed by a Committee composed of a President, Vice-President, Secretary and four (4) committee members. On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the officers of the La Trobe Valley Sub-Branch shall be:

President	Rod Hart
Vice-President	Ray Johnston
Secretary	Trevor Williams
Committee Members	Frank Gaskall
	John Janiw
	Charlie Webb
	Wayne Pabst

The Sub-Branch officers shall be elected every four (4) years by secret postal ballot in the same manner, the necessary changes being made to reflect the smaller electorate, as for the election of delegates to Divisional Conference, provided that the first election for the four (4) year term of office shall not take place until 2004.

The duties of the Sub-Branch officers shall be those prescribed for the corresponding Divisional Branch officers with any necessary change to make them applicable to the Sub-Branch. The duty of the Committee shall be to govern the sub-Branch in between meetings of the Sub-Branch in accordance with these Rules.

(iii) The Sub-Committee shall be elected by ballot of the financial members of each Sub-Branch. The zone/district that a member is attached to for the purpose of this rule shall be the zone/district that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election. A member shall not be eligible to nominate for any of the positions set out in sub-clause (i) hereof unless he or she has been a member for three (3) months and that he or she be a financial member of the Sub-Branch at the date of nomination.

(iv) The Divisional Branch Returning Officer shall call for nominations for Sub-Branch officers and committee members at the same time and in the same manner as prescribed in Rule 17 of the National Rules and any election necessary shall be mutatis mutandis the provisions set out in Rule 17 of the National Rules.

(v) The Sub-Branch Secretary in addition to keeping minutes, accounts, books and documents the property of the sub-branch, shall pay all money received into the Branch General Account at the Commonwealth Bank. Except where otherwise agreed he or she shall present to each half-yearly meeting a balance sheet certified to by the Auditors and a copy of such balance sheet shall be forwarded to the Branch Secretary prior to the 31st July and 31st January in each year. The Sub-Branch Secretary allowance shall be fixed by the Committee of Management.

(vi) Sub-Branches shall meet for ordinary purposes at least quarterly at such time and place as the sub-Branch may decide.

(vii) Special meetings may be convened to consider important business. Such meetings shall be called:

(i) by direction of an ordinary meeting;

(ii) on demand by ten (10) financial members of the Sub-Branch;

(iii) by direction of the Sub-Branch Committee; or

(iv) on request by the Divisional Branch Management Committee.

Special meetings shall be notified by the Sub-Branch Secretary advising members by circular or where such is the practice by placing the circular on the noticeboard or by advertising in the press the time and place of such meetings and the business to be dealt with.

(viii) Sub-Branches shall have power to make by-laws governing the election and conduct of delegates to Labour Committees in their district.

(ix) Should a vacancy occur in an office of Secretary, Assistant Secretary, President, Vice President or Committee member the position shall be filled by the calling of nominations in conformity with these rules. If there be more than the required number of valid nominations for any office a ballot shall be held and conducted according to the ballot provisions of rule 17 of the National Rules.

The Divisional Branch Committee of Management shall determine the dates for the closing of nominations and the ballot. Provided however, if the unexpired portion of the term of office is three quarters of the term, that is three (3) years or less, the Divisional Branch Committee of Management after taking due regard to the wishes of the Sub-Branch shall have the power to appoint a member who is qualified by these rules to fill the vacancy for the balance of the term.

64 - STANDING ORDERS AND RULES OF DEBATE

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and shall place the number 2,3,4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters; preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES

70 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division to which all members who are eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia, together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) On and from the date of amalgamation, the officers of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.).

(ii) (a) The Secretary of the Victorian Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(b) The Secretary of the NSW Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch President (Honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(c) The Secretary of the W.A. Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Assistant Secretary (W.A.).

(d) The persons elected as organisers with the NSW and Victorian Branches of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Assistant Secretary (NSW) and Industry Divisional Branch Assistant Secretary (Victoria) respectively.

(iii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

(iv) (a) The Industry Divisional Branch Management Committee shall, at the first meeting following the amalgamation, elect from among its members an Industry Divisional Branch Vice -President (Honorary).

(b) The Industry Divisional Branch Vice President (Honorary) referred to in (a) above shall hold office until the election of his/her successor, which election shall occur as soon as practicable after the first election of the Industry Divisional Branch Management following the amalgamation.

(c) The Industry Divisional Branch Vice President (Honorary) shall be elected by and from the Industry Divisional Branch Management Committee as soon as practicable after the election of the Industry Divisional Branch Management Committee and shall hold office for a period of four years.

(d) The provisions of Rule 9, Divisional Executive, of these Divisional Rules relating to the election of the Divisional Officers and Divisional Executive shall apply, the necessary changes being made, to the election of the Industry Divisional Branch Vice President (Honorary). Provided however that the provisions of this rule relating to the timing of this election shally apply in lieu of like provisions in Rule 9.

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

On and from the date of amalgamation, the Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch Management Committee on a quota of one additional Management Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

Provided however that until the first election of Industry Divisional Branch Management Committee members following the amalgamation, those persons who were members of the Federal Executive of the FBTPU immediately prior to amalgamation, shall be members of the Industry Divisional Branch Management Committee.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

74 - SUB-BRANCH RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) Upon amalgamation a capitation fee shall be paid by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - INDUSTRY DIVISIONAL BRANCH AND SUB BRANCH OFFICE FACILITIES

Notwithstanding the fact that by virtue of the amalgamation the assets of the FBTPU become the property of the amalgamated union, each Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall have the right of continuing use and occupation of its existing premises where such premises were, as at the date of amalgamation, the property of the FBTPU.

79 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

80 - VARIATION TO RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Management Committee

81 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

82 - DISSOLUTION OF BRANCH

(a) The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Industry Divisional Branch

members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch, to close down or otherwise restructure the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch is dissolved, members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

83 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

84 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

85 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) Each officer within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch referred to in Rule 72 herein shall hold office until the elections of the Construction and General Division of the CFMEU are held in the year 2000, at which time elections for all offices within the Industry Divisional Branch shall also be held.

(b) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall, in the election referred to in sub-clause (a) herein, be elected by and from all members of the Industry Divisional Branch. Each of the three Industry Divisional Branch Assistant Secretaries shall be elected by and from those members in each of the three corresponding states for which a designated Assistant Secretary's position exists.

(c) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

END OF RULES

[105N-BWIU: Incorporates remaining alterations of 22/7/04 from matter R2004/368]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 82 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member in the States and Territory of Queensland, New South Wales, South Australia, The Australian Capital Territory, Northern Territory, Tasmania, Victoria, and Western Australia, who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (ie 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for The Building Workers' Industrial Union of Australia (or any branch thereof) or used by or for The Operative Plasterers and Plaster Workers' Federation of Australia (or any branch thereof) or Federated Engine Drivers and Firemen's Association of Australasia (or any Branch thereof) any other Union (or branch thereof) which has amalgamated with this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the National Building and Construction Industry Award 1990 or any award of the Australian Industrial Relations Commission replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the Australian Industrial Relations Commission.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5 and/or 6, be entitled to all the benefits of membership.

2. Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for a period or amount arising before or after the certification of this rule change for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

   (a) absence from Australia;

   (b) inability to carry on a member's vocation or calling through illness or injury;

   (c) unemployment

   (d) without being limited by any of the foregoing, any other hardship, or prejudice or disadvantage;

   (e) periods on workers' compensations or on any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

   (f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Further provided that the former members of the Federal Council of the Operative Painters and Decorators Union shall, upon amalgamation, be and remain, until the general election, members of the Divisional Conference. Such persons shall remain delegates to the Divisional Conference until 2 January 1997. Thereafter, any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, until the declaration of the election in 2004 only, be, by virtue of the holding of such office, a member of the Divisional Conference. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Conference.

Further provided that those persons from the former Construction Labourers, Plasterers and Painters and the Construction Workers Divisional Branches in Western Australia who were Divisional Branch Delegates to Divisional Conference immediately prior to the integration of those Divisional Branches occurring, shall be members of the Divisional Conference until 2 January, 2001.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegates proxy.

(vii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(viii) Six (6) delegates shall form a quorum of the Divisional Conference.

(ix) The expenses of delegates and Divisional Officers shall be paid by the Divisional Executive as follows: First class train fare with sleeper or, alternatively, plane fare. All other expenses for

delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(x) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xi) A Divisional Conference shall be held not later than December 31, 1993 and biennially thereafter at such place and time as the Divisional Executive shall decide.

(xii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiii) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xv) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, telegraphic, facsimile and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, as the case may be, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvi) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-papragraph xv) herein shall apply.

For the purposes of this sub-paragraph, any reference to a "matter or matters" shall be taken as a reference to a matter or matters raised with the Divisional Executive before or after the date upon which this sub-paragraph takes effect.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

   Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

   Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

   The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

   The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

   The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

   In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

   Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, only until the declaration of the election in 2004, be a member of the Divisional Executive. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. (i) Notwithstanding the provisions of rule 9.2, where an officer who was elected to hold an office, the duties of which are of a full-time nature, is due to retire within twelve (12) months after the expiration of the period for which the officer was elected, the officer may remain in that office without being re-elected until retirement, provided that the following shall apply:-

(ii) Nominations shall not be called for filling that position held by that officer until the retirement is to take place.

(iii) The date of retirement of that officer shall be within twelve (12) months after the expiration of the officers' term of office.

(iv) The term of office of the officer elected to fill the office held by the retiring officer shall be until the date of the officers successor taking office after the next scheduled quadrennial election.

(v) Where a member being a candidate duly nominated for election to a full-time office is a person who, if elected, will hold that office for a period in excess of the normal term of office of 4 years by virtue of this sub rule, the ballot papers for the election shall indicate the maximum period for which, if elected, the member may so hold office.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall

represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

(b) The retirement age for a full time officer shall be at the end of the term of office during which the member attains the age of 65 years.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (ie., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such

a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the

Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any any meeting shall be six. Notice of meetings may be given by letter or telegram or telex or facsimile or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11a)i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the clerical, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary that is not the designated Divisional Assistant Secretary in the case of the incumbent as at the date of certification of this rule amendment, may revert to an honorary office with the consent of that incumbent. Thereafter the office may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional President or the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in the States of Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that

State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2009. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January 2008.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

Further provided that on and from 2 January 2005 or the declaration of the election in 2004 whichever is the later, this sub-rule shall have no application to the South Australian Divisional Branch.

(vi) Any reference in sub-paragraph (c) (iv and v) herein to the Building Unions Division, shall where the context permits, be taken to be a reference to the Construction and General Division.

(d) On and from the date of certification of this sub-rule, and until 2 January , 2001, the Officers of the CFMEU, Construction and General Division, Western Australia Divisional Branch shall be :-

Divisional Branch President	Kevin McParland
Divisional Branch Senior Vice President	Dave Simpson
Divisional Branch Vice President	Les Wellington
Divisional Branch Secretary	Kevin Reynolds
Divisional Branch Assistant Secretaries	Joe McDonald
	Kim Young
Divisional Branch Treasurer	Robert Olsen
Divisional Branch Trustees	Ian Hawkens
	Jim Reid
	Alan Williams
Divisional Branch Management Committee	Robert Manwaring
	Bernie Musial
	Brian Churchill
	Glen Hawkins
	Mick Holly
Divisional Branch Organisers	Mark Hudston
	Daron Smith
	Kevin Ennor
	Graham Pallot
	Dave King
	Jim Reid

(e) Victoria

(i) In the State of Victoria there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Victorian Building Unions Divisional Branch and the CFMEU, Construction and General Division, Victorian FEDFA Divisional Branch respectively. The Victorian FEDFA Divisional Branch shall consist of all Victorian members eligible for membership of the Division by virtue of rule 2(E) of the National Rules. All members of the Division in the State of Victoria who are not members of the Victorian FEDFA Divisional Branch shall be in the Building Unions Divisional Branch.

(ii) The Victorian FEDFA Divisional Branch referred to above may continue to exist for as long as is appropriate but no later than 30 September 2005. The two Victorian Divisional Branches shall effect restructuring by merging into a single Divisional Branch in Victoria by no later than 30 September 2005 and shall commence discussions on the terms of such merger upon the creation of the Victorian FEDFA Divisional Branch.

(iii) On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the Officers of the CFMEU, Construction and General Division, Victorian FEDFA Divisional Branch shall be:

President	Noel Washington
Vice President	Maurie Hill
Secretary	Tom Watson
Assistant Secretary	Ray Hallett
Divisional Branch Management Committee Members	Bill Neilson

	Jan Kadziela Steve Long Peter Andriske
Organisers	Colin Stewart Peter Andriske Maurie Hill Ken Johns
Organisers' representative on Divisional Branch Management Committee	Ken Johns
Divisional Branch Delegate/s to Divisional Conference	Noel Washington Tom Watson Bill Neilson

Thereafter, should the Divisional Branch continue to exist, the Officers of the Divisional Branch shall consist of Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (if deemed necessary by the Divisional Branch Management Committee), Divisional Branch Vice President (if deemed necessary by the Divisional Branch Management Committee) and Divisional Branch Management Committee members, and such Organisers as may be determined necessary as the Divisional Branch Council from time to time determines.

(iv) Notwithstanding any other rule to the contrary, while the Victorian FEDFA Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Victorian FEDFA Divisional Branch.

(v) The funds, property, assets and liabilities of or under the control of the CFMEU FEDFA Division, Victorian Divisional Branch, as they existed immediately prior to the certification of this sub-rule, shall be and become the funds, property, assets and liabilities of or under the control of the CFMEU Construction and General Division, Victorian FEDFA Divisional Branch immediately upon the certification of this sub-rule.

(f) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 361 Kent Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $20.00 and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $20.00.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $20.00 in any calendar year be imposed on any member or members.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, telegram, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland and Victoria in accordance with Rule 18 of these rules.

(c) There shall be an Industry Divisional Branch to be known as the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch. Sub-Branches of that Industry Divisional Branch shall be known as “X (Brick, Tile, Pottery, Construction Materials and Related Products) Sub-Branch” where X is the State or Territory concerned.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that in Western Australia membership shall be determined in accordance with Rule 18 herein and further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall be and remain members of the Australian Capital Territory Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Building Unions Divisional Branch

(a) The record of members of the Victorian Building Unions Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;

(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker

which shall be known as the member's designated classification.

(b) For the purpose of preparing the first record of members of the Victorian Building Unions Divisional Branch in accordance with the provisions of paragraph (a) hereof the Victorian Building Unions Divisional Branch Council shall:-

A. adopt the designated classification record of the BWIU, Victorian Branch immediately preceding the date of amalgamation; and

B. in relation to each member who joined the Victorian Building Unions Divisional Branch between the date of amalgamation and the date of certification of this sub-rule, amend the record having first determined the designated classification of that member having regard to the criteria set out in Rule 32 (iii) (f) (i), (ii) and (iii), the information contained in existing records held by the Victorian Building Unions Divisional Branch and such further information as the Victorian Building Divisional Branch Management Committee considers it necessary to obtain.

(c) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(d) In dealing with applications for membership the Victorian Building Unions Divisional Branch Management Committee shall determine each new member's designated classification.

(e) The Victorian Building Unions Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Building Unions Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Building Unions Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Building Unions Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Building Unions Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Building Unions Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Building Unions Divisional Branch accordingly.

(f) The Victorian Building Unions Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with

paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(g) Where the Victorian Building Unions Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Building Unions Divisional Branch Management Committee considers appropriate.

(h) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Building Unions Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(i) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) ACT Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the ACT Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the National Building and Construction Industry Award 1990 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Notwithstanding the foregoing, a member of the Victorian Divisional Branch who was a member of the Operative Painters and Decorators Union on 25 March 1993 and had paid his/her membership contribution up to 28 February 1994 shall be deemed, for all purposes, to be financial for the period 1 March 1994 to 30 September 1994 on the payment by that member of his/her membership contribution calculated in accordance with this Rule for the half year commencing on 1 April 1994.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with an employer (including any Government Department) or any Bank, Building Society, Credit Union or other financial institution for the regular deduction, on the authority of a member, of amounts

whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from the wages or monies payable to the member or from any account maintained by the member as the case may be, and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule; provided that the member was financial immediately prior to arranging such deduction.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or on an injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $2 per copy.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b) A member who has been financial for 12 months at the time of becoming unemployed or unfinancial for a period of more than three months through sickness or other reasonable cause may have any contribution, fee, levy or other arrear cancelled, waived, credited or otherwise diminished in whole or in part if, in the opinion and absolute discretion of the Divisional Branch Management Committee, such a course of conduct is appropriate. Provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

Any credit, cancellation, waiver or diminution so granted by the Divisional Branch Management Committee shall be deducted from the amount of contributions, fees, levies or arrears due and payable by the member on the records of the Union.

Such cancellation, waiver, credit or diminution may be granted for any period either before or after the certification of this Rule change or before or after any application or proper case being presented for such cancellation, waiver, credit or diminution.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President, two Divisional Branch Vice-Presidents, (which positions shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Tasmanian Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) In the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, three (3) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January. 2005 or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divsional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, two Divisional Branch Assistant Secretaries (one of whom shall be from the former Operative Plasterers and Plaster Workers Federation until 1997 and thereafter the position shall be designated Assistant Secretary (Plasterers), Divisional Branch Organisers, and Divisional Branch

Delegates to Divisional Conference and members of the Divisional Branch Committee of Management.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the ACT Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisonal Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) (a) In Victoria, the officers of the Victorian Building Unions Divisional Branch shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In Victoria, the Officers of the Victorian FEDFA Divisional Branch shall be in accordance Rule 18(e)(iii) of the Construction and General Division Rules.

The office of Organisers' Representative on Divisional Branch Management Committee shall be filled, subjec to Rule 18(e)(iii), by election by and from the elected Organisers of the FEDFA Divisional Branch, and such election shall occur as soon as practicable after the Branch elections. The rights, responsibilities and duties of the holder of that office shall be the same as the rights, responsibilities and duties of other members of the Divisional Branch Management Committee.

(c) Upon the occurrence of the merger of the two Victorian Divisional Branches referred to in paragraph 18(e)(ii) of these Divisional Rules, the offices of the merged branch shall be those offices referred to in paragraph (a) of this sub-rule, plus the following offices:

(A) Divisional Branch Senior Vice President (FEDFA), which shall be a full-time position;

(B) Divisional Branch Assistant Secretary (FEDFA), which shall be a full time position; and

(C) Divisional Branch Vice President (FEDFA), which shall be an honorary position;

and those offices shall be occupied from the time of the merger and for the remainder of the 2004-2008 term in accordance with subrule 38(ee) of these Divisional Rules, and thereafter by election in the normal way.

(vii) The officers of the South Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the South Australia Divisional Branch shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(viii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) during the period of 12 months immediately preceding the calling of nominations was not unfinancial for a period longer than 3 months

(C) has been a financial member of the Divisional Branch for the continuous period specified in the scale in sub-rule (a)(vii) herein immediately preceding the calling of nominations and

(D) was, for not less than three quarters of the period of time from the date of certification of this sub-rule (or in the case of any amendments thereto, from the date of certification of such amendments) until the calling of nominations, or a total period of 9 months during the period of twelve months immediately preceding the calling of nominations, whichever is the lesser:

(i) employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch;

(ii) unemployed on account of illness, incapacity or inability to obtain employment; or

(iii) engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto

may nominate for such positions according to that scale.

(ii) Provided that any member who has reached the age of 65 years may not nominate for any Divisional Branch Management Committee member or Divisional Branch Councillor position or any office provided for in these Rules.

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(v) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(vi) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vii) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	) 3 years'
Divisional Branch President	
Divisional Branch Senior Vice-President and Vice President	) financial
	) membership
Divisional Branch Delegate to Divisional Conference	)
	)
Divisional Branch Management	)

Committee Member	) 1 year's
District Secretary/Organiser	) financial
Organiser	) membership
Divisional Branch Councillor,	) financial
representatives	) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

(ee) The holders of the offices in the Victorian FEDFA Divisional Branch identified under the heading 'FEDFA Offices' in the table set out below, elected in the 2004 elections, shall, upon the merger of the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch referred to in paragraph 18(e)(ii) of these Divisional Rules, thereupon cease to occupy any office in the Victorian FEDFA Divisional Branch, and shall thereupon occupy the corresponding offices in the merged branch identified under the heading 'Merged Branch Offices' in the table set out below.

FEDFA Offices	Merged Branch Offices
Branch President	Branch Senior Vice President (FEDFA)
Branch Secretary	Branch Assistant Secretary (FEDFA)
Branch Assistant Secretary	Branch Vice-President (FEDFA)
Branch Vice President	Organiser
Organisers	Organisers
Member of Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Organisers' Representative on Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Member of Divisional Branch Council	Member of Divisional Branch Council

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (ie members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (ie members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (ie members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	2000 - 2011 Inclusive 2014 - 2077 Inclusive 2079 - 2097 Inclusive 2099 - 2127 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive 2174 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2558 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2784 Inclusive

Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2280 - 2287 Inclusive 2289 - 2295 Inclusive 2297 - 2307 Inclusive 2314 - 2315 2320 - 2323 Inclusive 2325 - 2327 Inclusive 2330 - 2331 2334 - 2335 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2540 - 2541 2574 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii) (A) In Queensland the State Management Committee of the Construction Workers Divisional Branch shall consist of twenty-one (21) members, including the Divisional Branch President (which position shall be honorary), Divisional Branch Secretary and three (3) Divisional Branch Assistant Secretaries. Each Divisional Branch Assistant Secretary shall be elected by and from those members who are eligible for membership of the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii); National Rule 2(A)(b) and National Rule 2(E) respectively. Provided however that in the event that the Assistant Secretary elected by and from the members eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii) is a plasterer, that person shall become Assistant Secretary (Plasterer) of the Divisional Branch. The Divisional Branch Secretary and the Divisional Branch President (Honorary) shall be elected by and from all members of the Divisional

Branch who are eligible to nominate and vote. There shall be a further sixteen (16) members on the State Management Committee who shall be elected as follows;

(i) ten (10) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2 (A)(a)(i) and (ii);

(ii) two (2) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(A)(b);

(iii) five (5) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(E)

subject to the proviso relating to Divisional Branch President, as set out hereunder:

Provided that the number of Management Committee members elected from one of the above subgroups shall be reduced by one. The subgroup to reduced shall be that which corresponds to the eligibility of the Divisional Branch President.

Further provided that the Divisional Branch Management Committee shall elect from its members three (3) Divisional Branch Vice-Presidents and one of each of the Divisional Branch Vice-Presidents shall be elected from representatives of each of the categories of members referred to in this sub-paragraph.

(B) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule B) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Management Committee shall elect from its members 3 Divisional Branch Vice Presidents.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

(C) In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia

On and from the date of certification of this sub-rule and until 2 January 2001, in Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Divisional Branch Council members:

Peter Ballard
Peter Delaney
Kevin Ennor
Steve Evans
James Fox
Mark Hudston
Tony Kelly
Dave King
Ron Kinney
Tony Lovett
Peter McGraham
Kevin McGuire
Roy McIlwaine
Mick McMahon
Terry McParland
Peter Morrison
Graham Pallot
Daron Smith
Bob Wade
Paul Wrzos

On and from 2 January 2001 the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(vi) (a) A. In Victoria the Divisional Branch Council of the Victorian Building Unions Divisional Branch shall be constituted in accordance with this paragraph.

B. The Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with these rules.

C. The Zone Delegates to Divisional Branch Council referred to in sub-paragraph B hereof shall be determined in accordance with the following formula:-

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Provided further that until 2 January, 1997 of the Zone Delegates for each zone at least 2 shall be tradespersons and at least 2 shall be labourers. In the event that the number of tradesperson candidates for Zone Delegates positions is less than the minimum number of tradesperson delegates for that zone, each position for which there is no tradesperson candidate shall be filled by a labourer. In the event that the number of labourer candidates for Zone Delegate positions is less than the minimum number of labourer delegates for that zone, each position for which there is no labourer candidate shall be filled by a tradesperson.

For the purposes of this sub-rule "tradesperson" shall mean a member whose designated classification is either carpenter, stonemason or tilelayer and "labourer" shall mean a member whose designated classification is labourer in accordance with sub-rule 30 (iii).

Further provided that on and from 2 January, 1997 the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

D. Subject to sub-rule (4) (c) hereof the zones shall be in accordance with the following:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3461 "
	3464 - 3599 "
Northern Victoria	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(b) On and from the date of certification of this sub-rule and until 2 January 2005 or declaration of the election in 2004, whichever is later, and subject to the rules regarding the filling of casual vacancies, the Divisional Branch Council of the Victorian FEDFA Divisional Branch shall be all members of the Divisional Branch Management Committee (where those persons are not expressly included in the following list) and:

President	Noel Washington
Vice President	Maurie Hill
Secretary	Tom Watson
Assistant Secretary	Ray Hallett
Organiser Representative on Divisional Branch Council	Ken Johns
Country/Provincial District	Martin Murphy
	Mark Travis
	Colin Stewart
Metropolitan District	Bill Neilson
	Jan Kadziela
	Steve Long
	Peter Andriske
	Robbie Cecala
La Trobe Valley Sub-Branch	Rod Hart

Thereafter, should the Divisional Branch continue to exist, the Divisional Branch Council shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (where such an officer exists), the Divisional Branch Management Committee members, one (1) of whom shall be Vice President, and the district and sub-branch Councillors, together with a number of elected Branch Organisers (the number to be determined by the Divisional Branch Management Committee).

The district and sub-branch councillors shall be elected as follows:

(a) there shall be a Metropolitan District, which shall be comprised of all members of the Branch who reside within 75 kilometres of the Melbourne GPO, or within such other boundaries as the Divisional Branch Management Committee may determine, and the District shall comprise an electorate by and from which five councillors shall be elected; and

(b) there shall be a Country/Provincial District, which shall comprise all members of the Branch who do not reside within the Metropolitan District or any Sub-Branch, and that District shall comprise an electorate by and from which three councillors shall be elected; and

(c) one councillor shall be elected by and from the members of the La Trobe Valley Sub-Branch.

(c) On and from the occurrence of the merger referred to in paragraph 18(e)(ii) of these Divisional Rules, the members of the Divisional Branch Council of the merged branch shall be:

(A) all of the persons who were members of the Divisional Branch Council of the Victorian Building Unions Divisional Branch immediately prior to the merger; and

(B) all of the persons who were members of the Divisional Branch Council of the Victorian FEDFA Divisional Branch immediately prior to the merger.

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 25 other members consisting of 3 members eligible pursuant to National Rule 2(E), 9 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer. Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25 and 9 in the immediately preceding sentence shall be read as 26 and 10 respectively.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 14 other members, consisting of 3 carpenters, 3 builders labourers, 3 FEDFA (ie those eligible for membership pursuant to National Rule 2(E)), and 2 members from the combined classifications of bricklayer, plasterer and painter together with three other members of the Divisional Branch engaged in any off-site fixed establishment in the State of Tasmania.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in Tasmania the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a) In the Construction Workers Divisional Branch in Queensland, there shall be elected by and from the members of the Queensland Divisional Branch Management Committee as set out in Rule 40 hereof a Divisional Branch Executive of not less than 6 members including the Divisional Branch President and Divisional Branch Secretary.

Such election shall be conducted, the necessary changes being made in accordance with Rule 9 of the Divisional Rules.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in the first, fourth and fifth paragraph in this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

On and from 2 January, 1997 in the Queensland Construction Workers Divisional Branch the Divisional Branch Executive shall consist of eight (8) members elected by and from the Divisional Branch Management Committee including the Divisional Branch President (Honorary), Divisional Branch Secretary and the three (3) Divisional Branch Assistant Secretaries and three (3) other Executive members who are not full-time officials. Divisional Branch Executive members who are not otherwise full-time officers of the Divisional Branch shall be elected from those members of the Divisional Branch Management Committee who are eligible for membership of the Union, the Division and the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii), National Rule 2(A)(b) and National Rule 2(E) and at least one member eligible in accordance with each of the aforementioned sub-rules shall occupy a position on the Divisional Branch Executive other than those occupied by the Divisional Branch Secretary and Divisional Branch Assistant Secretaries.

On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Secretary;

C. all the Divisional Branch Assistant Secretaries; and

D. 3 members elected by and from the Divisional Branch Management Committee, 1 of whom is eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii); 1 of whom is eligible for membership pursuant to National Rule 2(A)(b); and 1 of whom is eligible for membership pursuant to National Rule 2(E).

(b) Without affecting the term of office of persons holding office as Divisional Branch Executive members immediately prior to the date of certification of this sub-rule, the Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall, on and from 2 January, 1997 or the declaration of the election in 1996, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), 2 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, 2 Divisional Branch Assistant Secretaries (including Assistant Secretary (Plasterer)) and eleven other members. Provided however that there shall be at least 1 painter, 1 FEDFA (ie person eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and 1 other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in the Australian Capital Territory the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) A. In Victoria the Divisional Branch Management Committee shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and sixteen (16) others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, and 2 other members elected from

bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

On and from the date of certification of this sub-rule, the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch shall also consist of one fibrous plasterer/fibrous plaster industry member.

B. On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch shall be:

Divisional Branch President	Noel Washington
Divisional Branch Vice President	Maurie Hill
Divisional Branch Secretary	Tom Watson
Divisional Branch Assistant Secretary	Ray Hallett
Divisional Branch Management Committee	Bill Neilson
	Jan Kadziela
	Steve Long
	Peter Andriske
Divisional Branch Management Committee Organiser Representative	Ken Johns

Thereafter, should the Divisional Branch continue to exist, the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Vice President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (when such an officer exists) and twelve other members (or such other number as determined by the Divisional Branch Council). Other members shall be elected from districts and/or sub-branches as determined by the Divisional Branch Council.

C. On and from the occurrence of the merger referred to in paragraph 18(e)(ii) of these Divisional Rules, the members of the Divisional Branch Management Committee of the merged branch shall be

(1) all of the persons who were members of the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch immediately prior to the merger; and

(2) all of the persons who were members of the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch immediately prior to the merger.

(vii) In South Australia the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, three (3) Divisional Branch Management Committee members and three (3) Organisers (one of whom shall represent members eligible for membership of the former Construction Labourers Divisional Branch on the Divisional Branch Management Committee and one of whom shall represent members eligible for membership of the former Construction Workers Divisional Branch, on the Divisional Branch Management Committee).

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-

rule, in South Australia the Divisional Branch Management Committee shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of Awards and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch

Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach

agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIAN BUILDING UNIONS DIVISIONAL BRANCH)

(i) In the Victorian Building Unions Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the three Divisional Branch Vice-Presidents, the Divisional Branch Secretary and the Divisional Branch Assistant Secretary.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designnating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victorian Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when

requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER AND SENIOR VICE-PRESIDENT (SOUTH AUSTRALIA)

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the South Australian Divisional Branch the Divisional Branch Senior Vice President shall be a full time position. He/she shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President.

The Divisional Branch Senior Vice President shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall work under the direction of the Divisonal Branch Secretary. He/she shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the

original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

63A - SUB-BRANCHES

(i) In the Victorian FEDFA Divisional Branch there shall be such sub-branches as the Divisional Branch Management Committee or the Divisional Branch Council may from time to time determine, and until and unless either of those bodies determines otherwise, there shall be a La Trobe Valley Sub-Branch, which shall consist of all members of the Divisional Branch whose residential address, as last notified by the member to the office of the Divisional Branch, is no more than 75 kilometres from the Morwell post office, or within such other boundaries as the Divisional Branch Management Committee may from time to time determine.

(ii) Each Sub-Branch shall be governed by a Committee composed of a President, Vice-President, Secretary and four (4) committee members. On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the officers of the La Trobe Valley Sub-Branch shall be:

President	Rod Hart
Vice-President	Ray Johnston
Secretary	Trevor Williams
Committee Members	Frank Gaskall
	John Janiw
	Charlie Webb
	Wayne Pabst

The Sub-Branch officers shall be elected every four (4) years by secret postal ballot in the same manner, the necessary changes being made to reflect the smaller electorate, as for the election of delegates to Divisional Conference, provided that the first election for the four (4) year term of office shall not take place until 2004.

The duties of the Sub-Branch officers shall be those prescribed for the corresponding Divisional Branch officers with any necessary change to make them applicable to the Sub-Branch. The duty of the Committee shall be to govern the sub-Branch in between meetings of the Sub-Branch in accordance with these Rules.

(iii) The Sub-Committee shall be elected by ballot of the financial members of each Sub-Branch. The zone/district that a member is attached to for the purpose of this rule shall be the zone/district that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election. A member shall not be eligible to nominate for any of the positions set out in sub-clause (i) hereof unless he or she has been a member for three (3) months and that he or she be a financial member of the Sub-Branch at the date of nomination.

(iv) The Divisional Branch Returning Officer shall call for nominations for Sub-Branch officers and committee members at the same time and in the same manner as prescribed in Rule 17 of the National Rules and any election necessary shall be mutatis mutandis the provisions set out in Rule 17 of the National Rules.

(v) The Sub-Branch Secretary in addition to keeping minutes, accounts, books and documents the property of the sub-branch, shall pay all money received into the Branch General Account at the Commonwealth Bank. Except where otherwise agreed he or she shall present to each half-yearly meeting a balance sheet certified to by the Auditors and a copy of such balance sheet shall be forwarded to the Branch Secretary prior to the 31st July and 31st January in each year. The Sub-Branch Secretary allowance shall be fixed by the Committee of Management.

(vi) Sub-Branches shall meet for ordinary purposes at least quarterly at such time and place as the sub-Branch may decide.

(vii) Special meetings may be convened to consider important business. Such meetings shall be called:

(i) by direction of an ordinary meeting;

(ii) on demand by ten (10) financial members of the Sub-Branch;

(iii) by direction of the Sub-Branch Committee; or

(iv) on request by the Divisional Branch Management Committee.

Special meetings shall be notified by the Sub-Branch Secretary advising members by circular or where such is the practice by placing the circular on the noticeboard or by advertising in the press the time and place of such meetings and the business to be dealt with.

(viii) Sub-Branches shall have power to make by-laws governing the election and conduct of delegates to Labour Committees in their district.

(ix) Should a vacancy occur in an office of Secretary, Assistant Secretary, President, Vice President or Committee member the position shall be filled by the calling of nominations in conformity with these rules. If there be more than the required number of valid nominations for any office a ballot shall be held and conducted according to the ballot provisions of rule 17 of the National Rules.

The Divisional Branch Committee of Management shall determine the dates for the closing of nominations and the ballot. Provided however, if the unexpired portion of the term of office is three quarters of the term, that is three (3) years or less, the Divisional Branch Committee of Management after taking due regard to the wishes of the Sub-Branch shall have the power to appoint a member who is qualified by these rules to fill the vacancy for the balance of the term.

64 - STANDING ORDERS AND RULES OF DEBATE

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and shall place the number 2,3,4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters; preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES

70 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division to which all members who are eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia, together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) On and from the date of amalgamation, the officers of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.).

(ii) (a) The Secretary of the Victorian Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(b) The Secretary of the NSW Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch President (Honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(c) The Secretary of the W.A. Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Assistant Secretary (W.A.).

(d) The persons elected as organisers with the NSW and Victorian Branches of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Assistant Secretary (NSW) and Industry Divisional Branch Assistant Secretary (Victoria) respectively.

(iii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

(iv) (a) The Industry Divisional Branch Management Committee shall, at the first meeting following the amalgamation, elect from among its members an Industry Divisional Branch Vice -President (Honorary).

(b) The Industry Divisional Branch Vice President (Honorary) referred to in (a) above shall hold office until the election of his/her successor, which election shall occur as soon as practicable after the first election of the Industry Divisional Branch Management following the amalgamation.

(c) The Industry Divisional Branch Vice President (Honorary) shall be elected by and from the Industry Divisional Branch Management Committee as soon as practicable after the election of the Industry Divisional Branch Management Committee and shall hold office for a period of four years.

(d) The provisions of Rule 9, Divisional Executive, of these Divisional Rules relating to the election of the Divisional Officers and Divisional Executive shall apply, the necessary changes being made, to the election of the Industry Divisional Branch Vice President (Honorary). Provided however that the provisions of this rule relating to the timing of this election shally apply in lieu of like provisions in Rule 9.

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

On and from the date of amalgamation, the Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch Management Committee on a quota of one additional Management Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

Provided however that until the first election of Industry Divisional Branch Management Committee members following the amalgamation, those persons who were members of the Federal Executive of the FBTPU immediately prior to amalgamation, shall be members of the Industry Divisional Branch Management Committee.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

74 - SUB-BRANCH RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) Upon amalgamation a capitation fee shall be paid by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - INDUSTRY DIVISIONAL BRANCH AND SUB BRANCH OFFICE FACILITIES

Notwithstanding the fact that by virtue of the amalgamation the assets of the FBTPU become the property of the amalgamated union, each Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall have the right of continuing use and occupation of its existing premises where such premises were, as at the date of amalgamation, the property of the FBTPU.

79 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

80 - VARIATION TO RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Management Committee

81 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

82 - DISSOLUTION OF BRANCH

(a) The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Industry Divisional Branch

members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch, to close down or otherwise restructure the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch is dissolved, members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

83 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

84 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

85 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) Each officer within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch referred to in Rule 72 herein shall hold office until the elections of the Construction and General Division of the CFMEU are held in the year 2000, at which time elections for all offices within the Industry Divisional Branch shall also be held.

(b) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall, in the election referred to in sub-clause (a) herein, be elected by and from all members of the Industry Divisional Branch. Each of the three Industry Divisional Branch Assistant Secretaries shall be elected by and from those members in each of the three corresponding states for which a designated Assistant Secretary's position exists.

(c) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

END OF RULES

[105N-BWIU: Incorporates alterations of 22/4/05 in matter R2005/144]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 82 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member in the States and Territory of Queensland, New South Wales, South Australia, The Australian Capital Territory, Northern Territory, Tasmania, Victoria, and Western Australia, who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (ie 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for The Building Workers' Industrial Union of Australia (or any branch thereof) or used by or for The Operative Plasterers and Plaster Workers' Federation of Australia (or any branch thereof) or Federated Engine Drivers and Firemen's Association of Australasia (or any Branch thereof) any other Union (or branch thereof) which has amalgamated with this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the National Building and Construction Industry Award 1990 or any award of the Australian Industrial Relations Commission replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the Australian Industrial Relations Commission.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5 and/or 6, be entitled to all the benefits of membership.

2. Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for a period or amount arising before or after the certification of this rule change for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

   (a) absence from Australia;

   (b) inability to carry on a member's vocation or calling through illness or injury;

   (c) unemployment

   (d) without being limited by any of the foregoing, any other hardship, or prejudice or disadvantage;

   (e) periods on workers' compensations or on any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

   (f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Further provided that the former members of the Federal Council of the Operative Painters and Decorators Union shall, upon amalgamation, be and remain, until the general election, members of the Divisional Conference. Such persons shall remain delegates to the Divisional Conference until 2 January 1997. Thereafter, any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, until the declaration of the election in 2004 only, be, by virtue of the holding of such office, a member of the Divisional Conference. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Conference.

Further provided that those persons from the former Construction Labourers, Plasterers and Painters and the Construction Workers Divisional Branches in Western Australia who were Divisional Branch Delegates to Divisional Conference immediately prior to the integration of those Divisional Branches occurring, shall be members of the Divisional Conference until 2 January, 2001.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegates proxy.

(vii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(viii) Six (6) delegates shall form a quorum of the Divisional Conference.

(ix) The expenses of delegates and Divisional Officers shall be paid by the Divisional Executive as follows: First class train fare with sleeper or, alternatively, plane fare. All other expenses for

delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(x) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xi) A Divisional Conference shall be held not later than December 31, 1993 and biennially thereafter at such place and time as the Divisional Executive shall decide.

(xii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiii) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xv) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, telegraphic, facsimile and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, as the case may be, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvi) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-papragraph xv) herein shall apply.

For the purposes of this sub-paragraph, any reference to a "matter or matters" shall be taken as a reference to a matter or matters raised with the Divisional Executive before or after the date upon which this sub-paragraph takes effect.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

   Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

   Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

   The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

   The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

   The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

   In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

   Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, only until the declaration of the election in 2004, be a member of the Divisional Executive. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

   Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

   The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

   (a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

   (b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

   In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

      (i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

      (ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

(b) deleted

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (ie., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any any meeting shall be six. Notice of meetings may be given by letter or telegram or telex or facsimile or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11a)i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the clerical, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary that is not the designated Divisional Assistant Secretary in the case of the incumbent as at the date of certification of this rule amendment, may revert to an honorary office with the consent of that incumbent. Thereafter the office may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional President or the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in the States of Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2009. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January 2008.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

Further provided that on and from 2 January 2005 or the declaration of the election in 2004 whichever is the later, this sub-rule shall have no application to the South Australian Divisional Branch.

(vi) Any reference in sub-paragraph (c) (iv and v) herein to the Building Unions Division, shall where the context permits, be taken to be a reference to the Construction and General Division.

(d) On and from the date of certification of this sub-rule, and until 2 January , 2001, the Officers of the CFMEU, Construction and General Division, Western Australia Divisional Branch shall be :-

Divisional Branch President	Kevin McParland
Divisional Branch Senior Vice President	Dave Simpson
Divisional Branch Vice President	Les Wellington
Divisional Branch Secretary	Kevin Reynolds
Divisional Branch Assistant Secretaries	Joe McDonald
	Kim Young
Divisional Branch Treasurer	Robert Olsen
Divisional Branch Trustees	Ian Hawkens
	Jim Reid
	Alan Williams
Divisional Branch Management Committee	Robert Manwaring
	Bernie Musial

Divisional Branch Organisers	Brian Churchill Glen Hawkins Mick Holly Mark Hudston Daron Smith Kevin Ennor Graham Pallot Dave King Jim Reid

(e) Victoria

(i) In the State of Victoria there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Victorian Building Unions Divisional Branch and the CFMEU, Construction and General Division, Victorian FEDFA Divisional Branch respectively. The Victorian FEDFA Divisional Branch shall consist of all Victorian members eligible for membership of the Division by virtue of rule 2(E) of the National Rules. All members of the Division in the State of Victoria who are not members of the Victorian FEDFA Divisional Branch shall be in the Building Unions Divisional Branch.

(ii) The Victorian FEDFA Divisional Branch referred to above may continue to exist for as long as is appropriate but no later than 30 September 2005. The two Victorian Divisional Branches shall effect restructuring by merging into a single Divisional Branch in Victoria by no later than 30 September 2005 and shall commence discussions on the terms of such merger upon the creation of the Victorian FEDFA Divisional Branch.

(iii) On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the Officers of the CFMEU, Construction and General Division, Victorian FEDFA Divisional Branch shall be:

President	Noel Washington
Vice President	Maurie Hill
Secretary	Tom Watson
Assistant Secretary	Ray Hallett
Divisional Branch Management Committee Members	Bill Neilson Jan Kadziela Steve Long Peter Andriske
Organisers	Colin Stewart Peter Andriske Maurie Hill Ken Johns
Organisers' representative on Divisional Branch Management Committee	Ken Johns
Divisional Branch Delegate/s to Divisional Conference	Noel Washington Tom Watson

Bill Neilson

Thereafter, should the Divisional Branch continue to exist, the Officers of the Divisional Branch shall consist of Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (if deemed necessary by the Divisional Branch Management Committee), Divisional Branch Vice President (if deemed necessary by the Divisional Branch Management Committee) and Divisional Branch Management Committee members, and such Organisers as may be determined necessary as the Divisional Branch Council from time to time determines.

(iv) Notwithstanding any other rule to the contrary, while the Victorian FEDFA Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Victorian FEDFA Divisional Branch.

(v) The funds, property, assets and liabilities of or under the control of the CFMEU FEDFA Division, Victorian Divisional Branch, as they existed immediately prior to the certification of this sub-rule, shall be and become the funds, property, assets and liabilities of or under the control of the CFMEU Construction and General Division, Victorian FEDFA Divisional Branch immediately upon the certification of this sub-rule.

(f) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and

occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 361 Kent Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $20.00 and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $20.00.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $20.00 in any calendar year be imposed on any member or members.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, telegram, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland and Victoria in accordance with Rule 18 of these rules.

(c) There shall be an Industry Divisional Branch to be known as the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch. Sub-Branches of that Industry Divisional Branch shall be known as “X (Brick, Tile, Pottery, Construction Materials and Related Products) Sub-Branch” where X is the State or Territory concerned.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that in Western Australia membership shall be determined in accordance with Rule 18 herein and further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall be and remain members of the Australian Capital Territory Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Building Unions Divisional Branch

(a) The record of members of the Victorian Building Unions Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker

which shall be known as the member's designated classification.

(b) For the purpose of preparing the first record of members of the Victorian Building Unions Divisional Branch in accordance with the provisions of paragraph (a) hereof the Victorian Building Unions Divisional Branch Council shall:-

A. adopt the designated classification record of the BWIU, Victorian Branch immediately preceding the date of amalgamation; and

B. in relation to each member who joined the Victorian Building Unions Divisional Branch between the date of amalgamation and the date of certification of this sub-rule, amend the record having first determined the designated classification of that member having regard to the criteria set out in Rule 32 (iii) (f) (i), (ii) and (iii), the information contained in existing records held by the Victorian Building Unions Divisional Branch and such further information as the Victorian Building Divisional Branch Management Committee considers it necessary to obtain.

(c) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(d) In dealing with applications for membership the Victorian Building Unions Divisional Branch Management Committee shall determine each new member's designated classification.

(e) The Victorian Building Unions Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Building Unions Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Building Unions Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Building Unions Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Building Unions Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Building Unions Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Building Unions Divisional Branch accordingly.

(f) The Victorian Building Unions Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(g) Where the Victorian Building Unions Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Building Unions Divisional Branch Management Committee considers appropriate.

(h) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Building Unions Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(i) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) ACT Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the ACT Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the National Building and Construction Industry Award 1990 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Notwithstanding the foregoing, a member of the Victorian Divisional Branch who was a member of the Operative Painters and Decorators Union on 25 March 1993 and had paid his/her membership contribution up to 28 February 1994 shall be deemed, for all purposes, to be financial for the period 1 March 1994 to 30 September 1994 on the payment by that member of his/her membership contribution calculated in accordance with this Rule for the half year commencing on 1 April 1994.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with an employer (including any Government Department) or any Bank, Building Society, Credit Union or other financial institution for the regular deduction, on the authority of a member, of amounts

whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from the wages or monies payable to the member or from any account maintained by the member as the case may be, and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule; provided that the member was financial immediately prior to arranging such deduction.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or on an injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $2 per copy.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b) A member who has been financial for 12 months at the time of becoming unemployed or unfinancial for a period of more than three months through sickness or other reasonable cause may have any contribution, fee, levy or other arrear cancelled, waived, credited or otherwise diminished in whole or in part if, in the opinion and absolute discretion of the Divisional Branch Management Committee, such a course of conduct is appropriate. Provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

Any credit, cancellation, waiver or diminution so granted by the Divisional Branch Management Committee shall be deducted from the amount of contributions, fees, levies or arrears due and payable by the member on the records of the Union.

Such cancellation, waiver, credit or diminution may be granted for any period either before or after the certification of this Rule change or before or after any application or proper case being presented for such cancellation, waiver, credit or diminution.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President, two Divisional Branch Vice-Presidents, (which positions shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Tasmanian Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) In the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, three (3) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January. 2005 or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divsional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, two Divisional Branch Assistant Secretaries (one of whom shall be from the former Operative Plasterers and Plaster Workers Federation until 1997 and thereafter the position shall be designated Assistant Secretary (Plasterers), Divisional Branch Organisers, and Divisional Branch

Delegates to Divisional Conference and members of the Divisional Branch Committee of Management.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the ACT Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisonal Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) (a) In Victoria, the officers of the Victorian Building Unions Divisional Branch shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In Victoria, the Officers of the Victorian FEDFA Divisional Branch shall be in accordance Rule 18(e)(iii) of the Construction and General Division Rules.

The office of Organisers' Representative on Divisional Branch Management Committee shall be filled, subjec to Rule 18(e)(iii), by election by and from the elected Organisers of the FEDFA Divisional Branch, and such election shall occur as soon as practicable after the Branch elections. The rights, responsibilities and duties of the holder of that office shall be the same as the rights, responsibilities and duties of other members of the Divisional Branch Management Committee.

(c) Upon the occurrence of the merger of the two Victorian Divisional Branches referred to in paragraph 18(e)(ii) of these Divisional Rules, the offices of the merged branch shall be those offices referred to in paragraph (a) of this sub-rule, plus the following offices:

(A) Divisional Branch Senior Vice President (FEDFA), which shall be a full-time position;

(B) Divisional Branch Assistant Secretary (FEDFA), which shall be a full time position; and

(C) Divisional Branch Vice President (FEDFA), which shall be an honorary position;

and those offices shall be occupied from the time of the merger and for the remainder of the 2004-2008 term in accordance with subrule 38(ee) of these Divisional Rules, and thereafter by election in the normal way.

(vii) The officers of the South Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the South Australia Divisional Branch shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(viii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) during the period of 12 months immediately preceding the calling of nominations was not unfinancial for a period longer than 3 months

(C) has been a financial member of the Divisional Branch for the continuous period specified in the scale in sub-rule (a)(vii) herein immediately preceding the calling of nominations and

(D) was, for not less than three quarters of the period of time from the date of certification of this sub-rule (or in the case of any amendments thereto, from the date of certification of such amendments) until the calling of nominations, or a total period of 9 months during the period of twelve months immediately preceding the calling of nominations, whichever is the lesser:

(i) employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch;

(ii) unemployed on account of illness, incapacity or inability to obtain employment; or

(iii) engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto

may nominate for such positions according to that scale.

(ii) deleted

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(v) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(vi) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vii) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	) 3 years'
Divisional Branch President	
Divisional Branch Senior Vice-President and Vice President	) financial
	) membership
Divisional Branch Delegate to Divisional Conference	)
	)
Divisional Branch Management	)

Committee Member	) 1 year's
District Secretary/Organiser	) financial
Organiser	) membership
Divisional Branch Councillor,	) financial
representatives	) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

(ee) The holders of the offices in the Victorian FEDFA Divisional Branch identified under the heading ‘FEDFA Offices’ in the table set out below, elected in the 2004 elections, shall, upon the merger of the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch referred to in paragraph 18(e)(ii) of these Divisional Rules, thereupon cease to occupy any office in the Victorian FEDFA Divisional Branch, and shall thereupon occupy the corresponding offices

in the merged branch identified under the heading 'Merged Branch Offices' in the table set out below.

FEDFA Offices	Merged Branch Offices
Branch President	Branch Senior Vice President (FEDFA)
Branch Secretary	Branch Assistant Secretary (FEDFA)
Branch Assistant Secretary	Branch Vice-President (FEDFA)
Branch Vice President	Organiser
Organisers	Organisers
Member of Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Organisers' Representative on Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Member of Divisional Branch Council	Member of Divisional Branch Council

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (ie members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (ie members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (ie members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	2000 - 2011 Inclusive 2014 - 2077 Inclusive 2079 - 2097 Inclusive 2099 - 2127 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive 2174 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2558 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2784 Inclusive

Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2280 - 2287 Inclusive 2289 - 2295 Inclusive 2297 - 2307 Inclusive 2314 - 2315 2320 - 2323 Inclusive 2325 - 2327 Inclusive 2330 - 2331 2334 - 2335 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2540 - 2541 2574 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii) (A) In Queensland the State Management Committee of the Construction Workers Divisional Branch shall consist of twenty-one (21) members, including the Divisional Branch President (which position shall be honorary), Divisional Branch Secretary and three (3) Divisional Branch Assistant Secretaries. Each Divisional Branch Assistant Secretary shall be elected by and from those members who are eligible for membership of the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii); National Rule 2(A)(b) and National Rule 2(E) respectively. Provided however that in the event that the Assistant Secretary elected by and from the members eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii) is a plasterer, that person shall become Assistant Secretary (Plasterer) of the Divisional Branch. The Divisional Branch Secretary and the Divisional Branch President (Honorary) shall be elected by and from all members of the Divisional

Branch who are eligible to nominate and vote. There shall be a further sixteen (16) members on the State Management Committee who shall be elected as follows;

(i) ten (10) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2 (A)(a)(i) and (ii);

(ii) two (2) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(A)(b);

(iii) five (5) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(E)

subject to the proviso relating to Divisional Branch President, as set out hereunder:

Provided that the number of Management Committee members elected from one of the above subgroups shall be reduced by one. The subgroup to reduced shall be that which corresponds to the eligibility of the Divisional Branch President.

Further provided that the Divisional Branch Management Committee shall elect from its members three (3) Divisional Branch Vice-Presidents and one of each of the Divisional Branch Vice-Presidents shall be elected from representatives of each of the categories of members referred to in this sub-paragraph.

(B) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule B) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Management Committee shall elect from its members 3 Divisional Branch Vice Presidents.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

(C) In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia

On and from the date of certification of this sub-rule and until 2 January 2001, in Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Divisional Branch Council members:

Peter Ballard
Peter Delaney
Kevin Ennor
Steve Evans
James Fox
Mark Hudston
Tony Kelly
Dave King
Ron Kinney
Tony Lovett
Peter McGraham
Kevin McGuire
Roy McIlwaine
Mick McMahon
Terry McParland
Peter Morrison
Graham Pallot
Daron Smith
Bob Wade
Paul Wrzos

On and from 2 January 2001 the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(vi) (a) A. In Victoria the Divisional Branch Council of the Victorian Building Unions Divisional Branch shall be constituted in accordance with this paragraph.

B. The Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with these rules.

C. The Zone Delegates to Divisional Branch Council referred to in sub-paragraph B hereof shall be determined in accordance with the following formula:-

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Provided further that until 2 January, 1997 of the Zone Delegates for each zone at least 2 shall be tradespersons and at least 2 shall be labourers. In the event that the number of tradesperson candidates for Zone Delegates positions is less than the minimum number of tradesperson delegates for that zone, each position for which there is no tradesperson candidate shall be filled by a labourer. In the event that the number of labourer candidates for Zone Delegate positions is less than the minimum number of labourer delegates for that zone, each position for which there is no labourer candidate shall be filled by a tradesperson.

For the purposes of this sub-rule "tradesperson" shall mean a member whose designated classification is either carpenter, stonemason or tilelayer and "labourer" shall mean a member whose designated classification is labourer in accordance with sub-rule 30 (iii).

Further provided that on and from 2 January, 1997 the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

D. Subject to sub-rule (4) (c) hereof the zones shall be in accordance with the following:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3461 "
	3464 - 3599 "
Northern Victoria	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(b) On and from the date of certification of this sub-rule and until 2 January 2005 or declaration of the election in 2004, whichever is later, and subject to the rules regarding the filling of casual vacancies, the Divisional Branch Council of the Victorian FEDFA Divisional Branch shall be all members of the Divisional Branch Management Committee (where those persons are not expressly included in the following list) and:

President	Noel Washington
Vice President	Maurie Hill
Secretary	Tom Watson
Assistant Secretary	Ray Hallett
Organiser Representative on Divisional Branch Council	Ken Johns
Country/Provincial District	Martin Murphy
	Mark Travis
	Colin Stewart
Metropolitan District	Bill Neilson
	Jan Kadziela
	Steve Long
	Peter Andriske
	Robbie Cecala
La Trobe Valley Sub-Branch	Rod Hart

Thereafter, should the Divisional Branch continue to exist, the Divisional Branch Council shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (where such an officer exists), the Divisional Branch Management Committee members, one (1) of whom shall be Vice President, and the district and sub-branch Councillors, together with a number of elected Branch Organisers (the number to be determined by the Divisional Branch Management Committee).

The district and sub-branch councillors shall be elected as follows:

(a) there shall be a Metropolitan District, which shall be comprised of all members of the Branch who reside within 75 kilometres of the Melbourne GPO, or within such other boundaries as the Divisional Branch Management Committee may determine, and the District shall comprise an electorate by and from which five councillors shall be elected; and

(b) there shall be a Country/Provincial District, which shall comprise all members of the Branch who do not reside within the Metropolitan District or any Sub-Branch, and that District shall comprise an electorate by and from which three councillors shall be elected; and

(c) one councillor shall be elected by and from the members of the La Trobe Valley Sub-Branch.

(c) On and from the occurrence of the merger referred to in paragraph 18(e)(ii) of these Divisional Rules, the members of the Divisional Branch Council of the merged branch shall be:

(A) all of the persons who were members of the Divisional Branch Council of the Victorian Building Unions Divisional Branch immediately prior to the merger; and

(B) all of the persons who were members of the Divisional Branch Council of the Victorian FEDFA Divisional Branch immediately prior to the merger.

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 25 other members consisting of 3 members eligible pursuant to National Rule 2(E), 9 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer. Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25 and 9 in the immediately preceding sentence shall be read as 26 and 10 respectively.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 14 other members, consisting of 3 carpenters, 3 builders labourers, 3 FEDFA (ie those eligible for membership pursuant to National Rule 2(E)), and 2 members from the combined classifications of bricklayer, plasterer and painter together with three other members of the Divisional Branch engaged in any off-site fixed establishment in the State of Tasmania.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in Tasmania the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a) In the Construction Workers Divisional Branch in Queensland, there shall be elected by and from the members of the Queensland Divisional Branch Management Committee as set out in Rule 40 hereof a Divisional Branch Executive of not less than 6 members including the Divisional Branch President and Divisional Branch Secretary.

Such election shall be conducted, the necessary changes being made in accordance with Rule 9 of the Divisional Rules.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in the first, fourth and fifth paragraph in this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

On and from 2 January, 1997 in the Queensland Construction Workers Divisional Branch the Divisional Branch Executive shall consist of eight (8) members elected by and from the Divisional Branch Management Committee including the Divisional Branch President (Honorary), Divisional Branch Secretary and the three (3) Divisional Branch Assistant Secretaries and three (3) other Executive members who are not full-time officials. Divisional Branch Executive members who are not otherwise full-time officers of the Divisional Branch shall be elected from those members of the Divisional Branch Management Committee who are eligible for membership of the Union, the Division and the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii), National Rule 2(A)(b) and National Rule 2(E) and at least one member eligible in accordance with each of the aforementioned sub-rules shall occupy a position on the Divisional Branch Executive other than those occupied by the Divisional Branch Secretary and Divisional Branch Assistant Secretaries.

On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Secretary;

C. all the Divisional Branch Assistant Secretaries; and

D. 3 members elected by and from the Divisional Branch Management Committee, 1 of whom is eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii); 1 of whom is eligible for membership pursuant to National Rule 2(A)(b); and 1 of whom is eligible for membership pursuant to National Rule 2(E).

(b) Without affecting the term of office of persons holding office as Divisional Branch Executive members immediately prior to the date of certification of this sub-rule, the Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall, on and from 2 January, 1997 or the declaration of the election in 1996, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), 2 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, 2 Divisional Branch Assistant Secretaries (including Assistant Secretary (Plasterer)) and eleven other members. Provided however that there shall be at least 1 painter, 1 FEDFA (ie person eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and 1 other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in the Australian Capital Territory the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) A. In Victoria the Divisional Branch Management Committee shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and sixteen (16) others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, and 2 other members elected from

bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

On and from the date of certification of this sub-rule, the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch shall also consist of one fibrous plasterer/fibrous plaster industry member.

B. On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch shall be:

Divisional Branch President	Noel Washington
Divisional Branch Vice President	Maurie Hill
Divisional Branch Secretary	Tom Watson
Divisional Branch Assistant Secretary	Ray Hallett
Divisional Branch Management Committee	Bill Neilson
	Jan Kadziela
	Steve Long
	Peter Andriske
Divisional Branch Management Committee Organiser Representative	Ken Johns

Thereafter, should the Divisional Branch continue to exist, the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Vice President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (when such an officer exists) and twelve other members (or such other number as determined by the Divisional Branch Council). Other members shall be elected from districts and/or sub-branches as determined by the Divisional Branch Council.

C. On and from the occurrence of the merger referred to in paragraph 18(e)(ii) of these Divisional Rules, the members of the Divisional Branch Management Committee of the merged branch shall be

(1) all of the persons who were members of the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch immediately prior to the merger; and

(2) all of the persons who were members of the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch immediately prior to the merger.

(vii) In South Australia the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, three (3) Divisional Branch Management Committee members and three (3) Organisers (one of whom shall represent members eligible for membership of the former Construction Labourers Divisional Branch on the Divisional Branch Management Committee and one of whom shall represent members eligible for membership of the former Construction Workers Divisional Branch, on the Divisional Branch Management Committee).

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in South Australia the Divisional Branch Management Committee shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of Awards and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch

Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or

employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIAN BUILDING UNIONS DIVISIONAL BRANCH)

(i) In the Victorian Building Unions Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the three Divisional Branch Vice-Presidents, the Divisional Branch Secretary and the Divisional Branch Assistant Secretary.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designnating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victorian Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case

of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when

requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER AND SENIOR VICE-PRESIDENT (SOUTH AUSTRALIA)

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the South Australian Divisional Branch the Divisional Branch Senior Vice President shall be a full time position. He/she shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President.

The Divisional Branch Senior Vice President shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall work under the direction of the Divisonal Branch Secretary. He/she shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

63A - SUB-BRANCHES

(i) In the Victorian FEDFA Divisional Branch there shall be such sub-branches as the Divisional Branch Management Committee or the Divisional Branch Council may from time to time determine, and until and unless either of those bodies determines otherwise, there shall be a La Trobe Valley Sub-Branch, which shall consist of all members of the Divisional Branch whose residential address, as last notified by the member to the office of the Divisional Branch, is no more than 75 kilometres from the Morwell post office, or within such other boundaries as the Divisional Branch Management Committee may from time to time determine.

(ii) Each Sub-Branch shall be governed by a Committee composed of a President, Vice-President, Secretary and four (4) committee members. On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the officers of the La Trobe Valley Sub-Branch shall be:

President	Rod Hart
Vice-President	Ray Johnston
Secretary	Trevor Williams
Committee Members	Frank Gaskall
	John Janiw
	Charlie Webb
	Wayne Pabst

The Sub-Branch officers shall be elected every four (4) years by secret postal ballot in the same manner, the necessary changes being made to reflect the smaller electorate, as for the election of delegates to Divisional Conference, provided that the first election for the four (4) year term of office shall not take place until 2004.

The duties of the Sub-Branch officers shall be those prescribed for the corresponding Divisional Branch officers with any necessary change to make them applicable to the Sub-Branch. The duty of the Committee shall be to govern the sub-Branch in between meetings of the Sub-Branch in accordance with these Rules.

(iii) The Sub-Committee shall be elected by ballot of the financial members of each Sub-Branch. The zone/district that a member is attached to for the purpose of this rule shall be the zone/district that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election. A member shall not be eligible to nominate for any of the positions set out in sub-clause (i) hereof unless he or she has been a member for three (3) months and that he or she be a financial member of the Sub-Branch at the date of nomination.

(iv) The Divisional Branch Returning Officer shall call for nominations for Sub-Branch officers and committee members at the same time and in the same manner as prescribed in Rule 17 of the National Rules and any election necessary shall be mutatis mutandis the provisions set out in Rule 17 of the National Rules.

(v) The Sub-Branch Secretary in addition to keeping minutes, accounts, books and documents the property of the sub-branch, shall pay all money received into the Branch General Account at the Commonwealth Bank. Except where otherwise agreed he or she shall present to each half-yearly meeting a balance sheet certified to by the Auditors and a copy of such balance sheet shall be forwarded to the Branch Secretary prior to the 31st July and 31st January in each year. The Sub-Branch Secretary allowance shall be fixed by the Committee of Management.

(vi) Sub-Branches shall meet for ordinary purposes at least quarterly at such time and place as the sub-Branch may decide.

(vii) Special meetings may be convened to consider important business. Such meetings shall be called:

(i) by direction of an ordinary meeting;

(ii) on demand by ten (10) financial members of the Sub-Branch;

(iii) by direction of the Sub-Branch Committee; or

(iv) on request by the Divisional Branch Management Committee.

Special meetings shall be notified by the Sub-Branch Secretary advising members by circular or where such is the practice by placing the circular on the noticeboard or by advertising in the press the time and place of such meetings and the business to be dealt with.

(viii) Sub-Branches shall have power to make by-laws governing the election and conduct of delegates to Labour Committees in their district.

(ix) Should a vacancy occur in an office of Secretary, Assistant Secretary, President, Vice President or Committee member the position shall be filled by the calling of nominations in conformity with these rules. If there be more than the required number of valid nominations for any office a ballot shall be held and conducted according to the ballot provisions of rule 17 of the National Rules.

The Divisional Branch Committee of Management shall determine the dates for the closing of nominations and the ballot. Provided however, if the unexpired portion of the term of office is three quarters of the term, that is three (3) years or less, the Divisional Branch Committee of Management after taking due regard to the wishes of the Sub-Branch shall have the power to appoint a member who is qualified by these rules to fill the vacancy for the balance of the term.

64 - STANDING ORDERS AND RULES OF DEBATE

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.

11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and shall place the number 2,3,4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters; preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES

70 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division to which all members who are eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia, together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) On and from the date of amalgamation, the officers of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch

President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.).

(ii) (a) The Secretary of the Victorian Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(b) The Secretary of the NSW Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch President (Honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(c) The Secretary of the W.A. Branch of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Assistant Secretary (W.A.).

(d) The persons elected as organisers with the NSW and Victorian Branches of the FBTPU shall, upon amalgamation, be and become the Industry Divisional Branch Assistant Secretary (NSW) and Industry Divisional Branch Assistant Secretary (Victoria) respectively.

(iii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

(iv) (a) The Industry Divisional Branch Management Committee shall, at the first meeting following the amalgamation, elect from among its members an Industry Divisional Branch Vice -President (Honorary).

(b) The Industry Divisional Branch Vice President (Honorary) referred to in (a) above shall hold office until the election of his/her successor, which election shall occur as soon as practicable after the first election of the Industry Divisional Branch Management following the amalgamation.

(c) The Industry Divisional Branch Vice President (Honorary) shall be elected by and from the Industry Divisional Branch Management Committee as soon as practicable after the election of the Industry Divisional Branch Management Committee and shall hold office for a period of four years.

(d) The provisions of Rule 9, Divisional Executive, of these Divisional Rules relating to the election of the Divisional Officers and Divisional Executive shall apply, the necessary changes being made, to the election of the Industry Divisional Branch Vice President (Honorary). Provided however that the provisions of this rule relating to the timing of this election shall apply in lieu of like provisions in Rule 9.

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

On and from the date of amalgamation, the Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch Management Committee on a quota of one additional Management

Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

Provided however that until the first election of Industry Divisional Branch Management Committee members following the amalgamation, those persons who were members of the Federal Executive of the FBTPU immediately prior to amalgamation, shall be members of the Industry Divisional Branch Management Committee.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

74 - SUB-BRANCH RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a

National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) Upon amalgamation a capitation fee shall be paid by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - INDUSTRY DIVISIONAL BRANCH AND SUB BRANCH OFFICE FACILITIES

Notwithstanding the fact that by virtue of the amalgamation the assets of the FBTPU become the property of the amalgamated union, each Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall have the right of continuing use and occupation of its existing premises where such premises were, as at the date of amalgamation, the property of the FBTPU.

79 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

80 - VARIATION TO RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Management Committee

81 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

82 - DISSOLUTION OF BRANCH

(a) The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Industry Divisional Branch members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch, to close down or otherwise restructure the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch is dissolved, members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

83 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

84 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

85 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) Each officer within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch referred to in Rule 72 herein shall hold office until the elections of the Construction and General Division of the CFMEU are held in the year 2000, at which time elections for all offices within the Industry Divisional Branch shall also be held.

(b) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall, in the election referred to in sub-clause (a) herein, be elected by and from all members of the Industry Divisional Branch. Each of the three Industry Divisional Branch Assistant Secretaries shall be elected by and from those members in each of the three corresponding states for which a designated Assistant Secretary's position exists.

(c) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

END OF RULES

[105N-BWIU: Incorporates alterations of 26/8/05 in matter R2005/265]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 81 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member in the States and Territory of Queensland, New South Wales, South Australia, The Australian Capital Territory, Northern Territory, Tasmania, Victoria, and Western Australia, who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“UNFINANCIAL DIVISIONAL BRANCH” shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for The Building Workers' Industrial Union of Australia (or any branch thereof) or used by or for The Operative Plasterers and Plaster Workers' Federation of Australia (or any branch thereof) or Federated Engine Drivers and Firemen's Association of Australasia (or any Branch thereof) any other Union (or branch thereof) which has amalgamated with this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the National Building and Construction Industry Award 1990 or any award of the Australian Industrial Relations Commission replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the Australian Industrial Relations Commission.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5 and/or 6, be entitled to all the benefits of membership.

2. Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for a period or amount arising before or after the certification of this rule change for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

   (a) absence from Australia;

   (b) inability to carry on a member's vocation or calling through illness or injury;

   (c) unemployment

   (d) without being limited by any of the foregoing, any other hardship, or prejudice or disadvantage;

   (e) periods on workers' compensations or on any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

   (f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Further provided that the former members of the Federal Council of the Operative Painters and Decorators Union shall, upon amalgamation, be and remain, until the general election, members of the Divisional Conference. Such persons shall remain delegates to the Divisional Conference until 2 January 1997. Thereafter, any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, until the declaration of the election in 2004 only, be, by virtue of the holding of such office, a member of the Divisional Conference. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Conference.

Further provided that those persons from the former Construction Labourers, Plasterers and Painters and the Construction Workers Divisional Branches in Western Australia who were Divisional Branch Delegates to Divisional Conference immediately prior to the integration of those Divisional Branches occurring, shall be members of the Divisional Conference until 2 January, 2001.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(vii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(viii) Six (6) delegates shall form a quorum of the Divisional Conference.

(ix) The expenses of delegates and Divisional Officers shall be paid by the Divisional Executive as follows: First class train fare with sleeper or, alternatively, plane fare. All other expenses for

delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(x) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xi) A Divisional Conference shall be held not later than December 31, 1993 and biennially thereafter at such place and time as the Divisional Executive shall decide.

(xii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiii) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xv) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, telegraphic, facsimile and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, as the case may be, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvi) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

For the purposes of this sub-paragraph, any reference to a "matter or matters" shall be taken as a reference to a matter or matters raised with the Divisional Executive before or after the date upon which this sub-paragraph takes effect.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

   Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

   Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

   The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

   The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

   The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

   In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

   Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, only until the declaration of the election in 2004, be a member of the Divisional Executive. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

   Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

   The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

   (a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

   (b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

   In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

      (i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

      (ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

(b) deleted

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter or telegram or telex or facsimile or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11a)i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the clerical, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary that is not the designated Divisional Assistant Secretary in the case of the incumbent as at the date of certification of this rule amendment, may revert to an honorary office with the consent of that incumbent. Thereafter the office may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional President or the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in the States of Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2009. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January 2008.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

Further provided that on and from 2 January 2005 or the declaration of the election in 2004 whichever is the later, this sub-rule shall have no application to the South Australian Divisional Branch.

(vi) Any reference in sub-paragraph (c) (iv and v) herein to the Building Unions Division, shall where the context permits, be taken to be a reference to the Construction and General Division.

(d) On and from the date of certification of this sub-rule, and until 2 January , 2001, the Officers of the CFMEU, Construction and General Division, Western Australia Divisional Branch shall be :-

Divisional Branch President	Kevin McParland
Divisional Branch Senior Vice President	Dave Simpson
Divisional Branch Vice President	Les Wellington
Divisional Branch Secretary	Kevin Reynolds
Divisional Branch Assistant Secretaries	Joe McDonald
	Kim Young
Divisional Branch Treasurer	Robert Olsen
Divisional Branch Trustees	Ian Hawkens
	Jim Reid
	Alan Williams
Divisional Branch Management Committee	Robert Manwaring
	Bernie Musial

Divisional Branch Organisers	Brian Churchill Glen Hawkins Mick Holly Mark Hudston Daron Smith Kevin Ennor Graham Pallot Dave King Jim Reid

(e) Victoria

(i) In the State of Victoria there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Victorian Building Unions Divisional Branch and the CFMEU, Construction and General Division, Victorian FEDFA Divisional Branch respectively. The Victorian FEDFA Divisional Branch shall consist of all Victorian members eligible for membership of the Division by virtue of rule 2(E) of the National Rules. All members of the Division in the State of Victoria who are not members of the Victorian FEDFA Divisional Branch shall be in the Building Unions Divisional Branch.

(ii) The Victorian FEDFA Divisional Branch referred to above may continue to exist for as long as is appropriate but no later than 30 September 2005. The two Victorian Divisional Branches shall effect restructuring by merging into a single Divisional Branch in Victoria by no later than 30 September 2005 and shall commence discussions on the terms of such merger upon the creation of the Victorian FEDFA Divisional Branch.

(iii) On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the Officers of the CFMEU, Construction and General Division, Victorian FEDFA Divisional Branch shall be:

President	Noel Washington
Vice President	Maurie Hill
Secretary	Tom Watson
Assistant Secretary	Ray Hallett
Divisional Branch Management Committee Members	Bill Neilson Jan Kadziela Steve Long Peter Andriske
Organisers	Colin Stewart Peter Andriske Maurie Hill Ken Johns
Organisers' representative on Divisional Branch Management Committee	Ken Johns
Divisional Branch Delegate/s to Divisional Conference	Noel Washington Tom Watson

Bill Neilson

Thereafter, should the Divisional Branch continue to exist, the Officers of the Divisional Branch shall consist of Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (if deemed necessary by the Divisional Branch Management Committee), Divisional Branch Vice President (if deemed necessary by the Divisional Branch Management Committee) and Divisional Branch Management Committee members, and such Organisers as may be determined necessary as the Divisional Branch Council from time to time determines.

(iv) Notwithstanding any other rule to the contrary, while the Victorian FEDFA Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Victorian FEDFA Divisional Branch.

(v) The funds, property, assets and liabilities of or under the control of the CFMEU FEDFA Division, Victorian Divisional Branch, as they existed immediately prior to the certification of this sub-rule, shall be and become the funds, property, assets and liabilities of or under the control of the CFMEU Construction and General Division, Victorian FEDFA Divisional Branch immediately upon the certification of this sub-rule.

(f) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and

occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 361 Kent Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $20.00 and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $20.00.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $20.00 in any calendar year be imposed on any member or members.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, telegram, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland and Victoria in accordance with Rule 18 of these rules.

(c) There shall be an Industry Divisional Branch to be known as the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch. Sub-Branches of that Industry Divisional Branch shall be known as “X (Brick, Tile, Pottery, Construction Materials and Related Products) Sub-Branch” where X is the State or Territory concerned.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that in Western Australia membership shall be determined in accordance with Rule 18 herein and further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall be and remain members of the Australian Capital Territory Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Building Unions Divisional Branch

(a) The record of members of the Victorian Building Unions Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker

which shall be known as the member's designated classification.

(b) For the purpose of preparing the first record of members of the Victorian Building Unions Divisional Branch in accordance with the provisions of paragraph (a) hereof the Victorian Building Unions Divisional Branch Council shall:-

A. adopt the designated classification record of the BWIU, Victorian Branch immediately preceding the date of amalgamation; and

B. in relation to each member who joined the Victorian Building Unions Divisional Branch between the date of amalgamation and the date of certification of this sub-rule, amend the record having first determined the designated classification of that member having regard to the criteria set out in Rule 32 (iii) (f) (i), (ii) and (iii), the information contained in existing records held by the Victorian Building Unions Divisional Branch and such further information as the Victorian Building Divisional Branch Management Committee considers it necessary to obtain.

(c) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(d) In dealing with applications for membership the Victorian Building Unions Divisional Branch Management Committee shall determine each new member's designated classification.

(e) The Victorian Building Unions Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Building Unions Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Building Unions Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Building Unions Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Building Unions Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Building Unions Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Building Unions Divisional Branch accordingly.

(f) The Victorian Building Unions Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(g) Where the Victorian Building Unions Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Building Unions Divisional Branch Management Committee considers appropriate.

(h) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Building Unions Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(i) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) ACT Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the ACT Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the National Building and Construction Industry Award 1990 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Notwithstanding the foregoing, a member of the Victorian Divisional Branch who was a member of the Operative Painters and Decorators Union on 25 March 1993 and had paid his/her membership contribution up to 28 February 1994 shall be deemed, for all purposes, to be financial for the period 1 March 1994 to 30 September 1994 on the payment by that member of his/her membership contribution calculated in accordance with this Rule for the half year commencing on 1 April 1994.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with an employer (including any Government Department) or any Bank, Building Society, Credit Union or other financial institution for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from the wages or monies payable to the member or from any account maintained by the member as the case may be, and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule; provided that the member was financial immediately prior to arranging such deduction.

Further provided that in the case of the Queensland Construction Workers Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or on an injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $2 per copy.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b) A member who has been financial for 12 months at the time of becoming unemployed or unfinancial for a period of more than three months through sickness or other reasonable cause may have any contribution, fee, levy or other arrear cancelled, waived, credited or otherwise diminished in whole or in part if, in the opinion and absolute discretion of the Divisional Branch Management Committee, such a course of conduct is appropriate. Provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

Any credit, cancellation, waiver or diminution so granted by the Divisional Branch Management Committee shall be deducted from the amount of contributions, fees, levies or arrears due and payable by the member on the records of the Union.

Such cancellation, waiver, credit or diminution may be granted for any period either before or after the certification of this Rule change or before or after any application or proper case being presented for such cancellation, waiver, credit or diminution.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President, two Divisional Branch Vice-Presidents, (which positions shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Tasmanian Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) In the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, three (3) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January. 2005 or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, two Divisional Branch Assistant Secretaries (one of whom shall be from the former Operative Plasterers and Plaster Workers Federation until 1997 and thereafter the position shall be designated Assistant Secretary (Plasterers), Divisional Branch Organisers, and Divisional Branch

Delegates to Divisional Conference and members of the Divisional Branch Committee of Management.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the ACT Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) (a) In Victoria, the officers of the Victorian Building Unions Divisional Branch shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In Victoria, the Officers of the Victorian FEDFA Divisional Branch shall be in accordance Rule 18(e)(iii) of the Construction and General Division Rules.

The office of Organisers' Representative on Divisional Branch Management Committee shall be filled, subject to Rule 18(e)(iii), by election by and from the elected Organisers of the FEDFA Divisional Branch, and such election shall occur as soon as practicable after the Branch elections. The rights, responsibilities and duties of the holder of that office shall be the same as the rights, responsibilities and duties of other members of the Divisional Branch Management Committee.

(c) Upon the occurrence of the merger of the two Victorian Divisional Branches referred to in paragraph 18(e)(ii) of these Divisional Rules, the offices of the merged branch shall be those offices referred to in paragraph (a) of this sub-rule, plus the following offices:

(A) Divisional Branch Senior Vice President (FEDFA), which shall be a full-time position;

(B) Divisional Branch Assistant Secretary (FEDFA), which shall be a full time position; and

(C) Divisional Branch Vice President (FEDFA), which shall be an honorary position;

and those offices shall be occupied from the time of the merger and for the remainder of the 2004-2008 term in accordance with subrule 38(ee) of these Divisional Rules, and thereafter by election in the normal way.

(vii) The officers of the South Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the South Australia Divisional Branch shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(viii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) during the period of 12 months immediately preceding the calling of nominations was not unfinancial for a period longer than 3 months

(C) has been a financial member of the Divisional Branch for the continuous period specified in the scale in sub-rule (a)(vii) herein immediately preceding the calling of nominations and

(D) was, for not less than three quarters of the period of time from the date of certification of this sub-rule (or in the case of any amendments thereto, from the date of certification of such amendments) until the calling of nominations, or a total period of 9 months during the period of twelve months immediately preceding the calling of nominations, whichever is the lesser:

(i) employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch;

(ii) unemployed on account of illness, incapacity or inability to obtain employment; or

(iii) engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto

may nominate for such positions according to that scale.

(ii) deleted

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(v) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(vi) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vii) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	) 3 years'
Divisional Branch President	
Divisional Branch Senior Vice-President and Vice President	) financial
	) membership
Divisional Branch Delegate to Divisional Conference	)
	)
Divisional Branch Management	)

Committee Member	) 1 year's
District Secretary/Organiser	) financial
Organiser	) membership
Divisional Branch Councillor,	) financial
representatives	) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

(ee) The holders of the offices in the Victorian FEDFA Divisional Branch identified under the heading ‘FEDFA Offices’ in the table set out below, elected in the 2004 elections, shall, upon the merger of the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch referred to in paragraph 18(e)(ii) of these Divisional Rules, thereupon cease to occupy any office in the Victorian FEDFA Divisional Branch, and shall thereupon occupy the corresponding offices

in the merged branch identified under the heading 'Merged Branch Offices' in the table set out below.

FEDFA Offices	Merged Branch Offices
Branch President	Branch Senior Vice President (FEDFA)
Branch Secretary	Branch Assistant Secretary (FEDFA)
Branch Assistant Secretary	Branch Vice-President (FEDFA)
Branch Vice President	Organiser
Organisers	Organisers
Member of Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Organisers' Representative on Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Member of Divisional Branch Council	Member of Divisional Branch Council

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	2000 - 2011 Inclusive 2014 - 2077 Inclusive 2079 - 2097 Inclusive 2099 - 2127 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive 2174 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2558 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2784 Inclusive

Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2280 - 2287 Inclusive 2289 - 2295 Inclusive 2297 - 2307 Inclusive 2314 - 2315 2320 - 2323 Inclusive 2325 - 2327 Inclusive 2330 - 2331 2334 - 2335 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2540 - 2541 2574 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii) (A) In Queensland the State Management Committee of the Construction Workers Divisional Branch shall consist of twenty-one (21) members, including the Divisional Branch President (which position shall be honorary), Divisional Branch Secretary and three (3) Divisional Branch Assistant Secretaries. Each Divisional Branch Assistant Secretary shall be elected by and from those members who are eligible for membership of the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii); National Rule 2(A)(b) and National Rule 2(E) respectively. Provided however that in the event that the Assistant Secretary elected by and from the members eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii) is a plasterer, that person shall become Assistant Secretary (Plasterer) of the Divisional Branch. The Divisional Branch Secretary and the Divisional Branch President (Honorary) shall be elected by and from all members of the Divisional

Branch who are eligible to nominate and vote. There shall be a further sixteen (16) members on the State Management Committee who shall be elected as follows;

(i) ten (10) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2 (A)(a)(i) and (ii);

(ii) two (2) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(A)(b);

(iii) five (5) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(E)

subject to the proviso relating to Divisional Branch President, as set out hereunder:

Provided that the number of Management Committee members elected from one of the above subgroups shall be reduced by one. The subgroup to reduced shall be that which corresponds to the eligibility of the Divisional Branch President.

Further provided that the Divisional Branch Management Committee shall elect from its members three (3) Divisional Branch Vice-Presidents and one of each of the Divisional Branch Vice-Presidents shall be elected from representatives of each of the categories of members referred to in this sub-paragraph.

(B) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule B) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Management Committee shall elect from its members 3 Divisional Branch Vice Presidents.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

(C) In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia

On and from the date of certification of this sub-rule and until 2 January 2001, in Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Divisional Branch Council members:

Peter Ballard
Peter Delaney
Kevin Ennor
Steve Evans
James Fox
Mark Hudston
Tony Kelly
Dave King
Ron Kinney
Tony Lovett
Peter McGraham
Kevin McGuire
Roy McIlwaine
Mick McMahon
Terry McParland
Peter Morrison
Graham Pallot
Daron Smith
Bob Wade
Paul Wrzos

On and from 2 January 2001 the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(vi) (a) A. In Victoria the Divisional Branch Council of the Victorian Building Unions Divisional Branch shall be constituted in accordance with this paragraph.

B. The Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with these rules.

C. The Zone Delegates to Divisional Branch Council referred to in sub-paragraph B hereof shall be determined in accordance with the following formula:-

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Provided further that until 2 January, 1997 of the Zone Delegates for each zone at least 2 shall be tradespersons and at least 2 shall be labourers. In the event that the number of tradesperson candidates for Zone Delegates positions is less than the minimum number of tradesperson delegates for that zone, each position for which there is no tradesperson candidate shall be filled by a labourer. In the event that the number of labourer candidates for Zone Delegate positions is less than the minimum number of labourer delegates for that zone, each position for which there is no labourer candidate shall be filled by a tradesperson.

For the purposes of this sub-rule "tradesperson" shall mean a member whose designated classification is either carpenter, stonemason or tilelayer and "labourer" shall mean a member whose designated classification is labourer in accordance with sub-rule 30 (iii).

Further provided that on and from 2 January, 1997 the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

D. Subject to sub-rule (4) (c) hereof the zones shall be in accordance with the following:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3461 "
	3464 - 3599 "
Northern Victoria	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(b) On and from the date of certification of this sub-rule and until 2 January 2005 or declaration of the election in 2004, whichever is later, and subject to the rules regarding the filling of casual vacancies, the Divisional Branch Council of the Victorian FEDFA Divisional Branch shall be all members of the Divisional Branch Management Committee (where those persons are not expressly included in the following list) and:

President	Noel Washington
Vice President	Maurie Hill
Secretary	Tom Watson
Assistant Secretary	Ray Hallett
Organiser Representative on Divisional Branch Council	Ken Johns
Country/Provincial District	Martin Murphy
	Mark Travis
	Colin Stewart
Metropolitan District	Bill Neilson
	Jan Kadziela
	Steve Long
	Peter Andriske
	Robbie Cecala
La Trobe Valley Sub-Branch	Rod Hart

Thereafter, should the Divisional Branch continue to exist, the Divisional Branch Council shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (where such an officer exists), the Divisional Branch Management Committee members, one (1) of whom shall be Vice President, and the district and sub-branch Councillors, together with a number of elected Branch Organisers (the number to be determined by the Divisional Branch Management Committee).

The district and sub-branch councillors shall be elected as follows:

(a) there shall be a Metropolitan District, which shall be comprised of all members of the Branch who reside within 75 kilometres of the Melbourne GPO, or within such other boundaries as the Divisional Branch Management Committee may determine, and the District shall comprise an electorate by and from which five councillors shall be elected; and

(b) there shall be a Country/Provincial District, which shall comprise all members of the Branch who do not reside within the Metropolitan District or any Sub-Branch, and that District shall comprise an electorate by and from which three councillors shall be elected; and

(c) one councillor shall be elected by and from the members of the La Trobe Valley Sub-Branch.

(c) On and from the occurrence of the merger referred to in paragraph 18(e)(ii) of these Divisional Rules, the members of the Divisional Branch Council of the merged branch shall be:

(A) all of the persons who were members of the Divisional Branch Council of the Victorian Building Unions Divisional Branch immediately prior to the merger; and

(B) all of the persons who were members of the Divisional Branch Council of the Victorian FEDFA Divisional Branch immediately prior to the merger.

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 25 other members consisting of 3 members eligible pursuant to National Rule 2(E), 9 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer. Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25 and 9 in the immediately preceding sentence shall be read as 26 and 10 respectively.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 14 other members, consisting of 3 carpenters, 3 builders labourers, 3 FEDFA (ie those eligible for membership pursuant to National Rule 2(E)), and 2 members from the combined classifications of bricklayer, plasterer and painter together with three other members of the Divisional Branch engaged in any off-site fixed establishment in the State of Tasmania.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in Tasmania the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a) In the Construction Workers Divisional Branch in Queensland, there shall be elected by and from the members of the Queensland Divisional Branch Management Committee as set out in Rule 40 hereof a Divisional Branch Executive of not less than 6 members including the Divisional Branch President and Divisional Branch Secretary.

Such election shall be conducted, the necessary changes being made in accordance with Rule 9 of the Divisional Rules.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in the first, fourth and fifth paragraph in this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

On and from 2 January, 1997 in the Queensland Construction Workers Divisional Branch the Divisional Branch Executive shall consist of eight (8) members elected by and from the Divisional Branch Management Committee including the Divisional Branch President (Honorary), Divisional Branch Secretary and the three (3) Divisional Branch Assistant Secretaries and three (3) other Executive members who are not full-time officials. Divisional Branch Executive members who are not otherwise full-time officers of the Divisional Branch shall be elected from those members of the Divisional Branch Management Committee who are eligible for membership of the Union, the Division and the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii), National Rule 2(A)(b) and National Rule 2(E) and at least one member eligible in accordance with each of the aforementioned sub-rules shall occupy a position on the Divisional Branch Executive other than those occupied by the Divisional Branch Secretary and Divisional Branch Assistant Secretaries.

On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Secretary;

C. all the Divisional Branch Assistant Secretaries; and

D. 3 members elected by and from the Divisional Branch Management Committee, 1 of whom is eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii); 1 of whom is eligible for membership pursuant to National Rule 2(A)(b); and 1 of whom is eligible for membership pursuant to National Rule 2(E).

(b) Without affecting the term of office of persons holding office as Divisional Branch Executive members immediately prior to the date of certification of this sub-rule, the Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall, on and from 2 January, 1997 or the declaration of the election in 1996, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), 2 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, 2 Divisional Branch Assistant Secretaries (including Assistant Secretary (Plasterer)) and eleven other members. Provided however that there shall be at least 1 painter, 1 FEDFA (ie person eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and 1 other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in the Australian Capital Territory the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) A. In Victoria the Divisional Branch Management Committee shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and sixteen (16) others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, and 2 other members elected from

bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

On and from the date of certification of this sub-rule, the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch shall also consist of one fibrous plasterer/fibrous plaster industry member.

B. On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch shall be:

Divisional Branch President	Noel Washington
Divisional Branch Vice President	Maurie Hill
Divisional Branch Secretary	Tom Watson
Divisional Branch Assistant Secretary	Ray Hallett
Divisional Branch Management Committee	Bill Neilson
	Jan Kadziela
	Steve Long
	Peter Andriske
Divisional Branch Management Committee Organiser Representative	Ken Johns

Thereafter, should the Divisional Branch continue to exist, the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Vice President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (when such an officer exists) and twelve other members (or such other number as determined by the Divisional Branch Council). Other members shall be elected from districts and/or sub-branches as determined by the Divisional Branch Council.

C. On and from the occurrence of the merger referred to in paragraph 18(e)(ii) of these Divisional Rules, the members of the Divisional Branch Management Committee of the merged branch shall be

(1) all of the persons who were members of the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch immediately prior to the merger; and

(2) all of the persons who were members of the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch immediately prior to the merger.

(vii) In South Australia the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, three (3) Divisional Branch Management Committee members and three (3) Organisers (one of whom shall represent members eligible for membership of the former Construction Labourers Divisional Branch on the Divisional Branch Management Committee and one of whom shall represent members eligible for membership of the former Construction Workers Divisional Branch, on the Divisional Branch Management Committee).

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in South Australia the Divisional Branch Management Committee shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of Awards and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch

Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or

employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIAN BUILDING UNIONS DIVISIONAL BRANCH)

(i) In the Victorian Building Unions Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the three Divisional Branch Vice-Presidents, the Divisional Branch Secretary and the Divisional Branch Assistant Secretary.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victorian Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case

of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when

requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER AND SENIOR VICE-PRESIDENT (SOUTH AUSTRALIA)

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the South Australian Divisional Branch the Divisional Branch Senior Vice President shall be a full time position. He/she shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President.

The Divisional Branch Senior Vice President shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall work under the direction of the Divisional Branch Secretary. He/she shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

63A - SUB-BRANCHES

(i) In the Victorian FEDFA Divisional Branch there shall be such sub-branches as the Divisional Branch Management Committee or the Divisional Branch Council may from time to time determine, and until and unless either of those bodies determines otherwise, there shall be a La Trobe Valley Sub-Branch, which shall consist of all members of the Divisional Branch whose residential address, as last notified by the member to the office of the Divisional Branch, is no more than 75 kilometres from the Morwell post office, or within such other boundaries as the Divisional Branch Management Committee may from time to time determine.

(ii) Each Sub-Branch shall be governed by a Committee composed of a President, Vice-President, Secretary and four (4) committee members. On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the officers of the La Trobe Valley Sub-Branch shall be:

President	Rod Hart
Vice-President	Ray Johnston
Secretary	Trevor Williams
Committee Members	Frank Gaskall
	John Janiw
	Charlie Webb
	Wayne Pabst

The Sub-Branch officers shall be elected every four (4) years by secret postal ballot in the same manner, the necessary changes being made to reflect the smaller electorate, as for the election of delegates to Divisional Conference, provided that the first election for the four (4) year term of office shall not take place until 2004.

The duties of the Sub-Branch officers shall be those prescribed for the corresponding Divisional Branch officers with any necessary change to make them applicable to the Sub-Branch. The duty of the Committee shall be to govern the sub-Branch in between meetings of the Sub-Branch in accordance with these Rules.

(iii) The Sub-Committee shall be elected by ballot of the financial members of each Sub-Branch. The zone/district that a member is attached to for the purpose of this rule shall be the zone/district that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election. A member shall not be eligible to nominate for any of the positions set out in sub-clause (i) hereof unless he or she has been a member for three (3) months and that he or she be a financial member of the Sub-Branch at the date of nomination.

(iv) The Divisional Branch Returning Officer shall call for nominations for Sub-Branch officers and committee members at the same time and in the same manner as prescribed in Rule 17 of the National Rules and any election necessary shall be mutatis mutandis the provisions set out in Rule 17 of the National Rules.

(v) The Sub-Branch Secretary in addition to keeping minutes, accounts, books and documents the property of the sub-branch, shall pay all money received into the Branch General Account at the Commonwealth Bank. Except where otherwise agreed he or she shall present to each half-yearly meeting a balance sheet certified to by the Auditors and a copy of such balance sheet shall be forwarded to the Branch Secretary prior to the 31st July and 31st January in each year. The Sub-Branch Secretary allowance shall be fixed by the Committee of Management.

(vi) Sub-Branches shall meet for ordinary purposes at least quarterly at such time and place as the sub-Branch may decide.

(vii) Special meetings may be convened to consider important business. Such meetings shall be called:

(i) by direction of an ordinary meeting;

(ii) on demand by ten (10) financial members of the Sub-Branch;

(iii) by direction of the Sub-Branch Committee; or

(iv) on request by the Divisional Branch Management Committee.

Special meetings shall be notified by the Sub-Branch Secretary advising members by circular or where such is the practice by placing the circular on the noticeboard or by advertising in the press the time and place of such meetings and the business to be dealt with.

(viii) Sub-Branches shall have power to make by-laws governing the election and conduct of delegates to Labour Committees in their district.

(ix) Should a vacancy occur in an office of Secretary, Assistant Secretary, President, Vice President or Committee member the position shall be filled by the calling of nominations in conformity with these rules. If there be more than the required number of valid nominations for any office a ballot shall be held and conducted according to the ballot provisions of rule 17 of the National Rules.

The Divisional Branch Committee of Management shall determine the dates for the closing of nominations and the ballot. Provided however, if the unexpired portion of the term of office is three quarters of the term, that is three (3) years or less, the Divisional Branch Committee of Management after taking due regard to the wishes of the Sub-Branch shall have the power to appoint a member who is qualified by these rules to fill the vacancy for the balance of the term.

64 - STANDING ORDERS AND RULES OF DEBATE

(a) Order of Business:

1. Opening of meeting.

2. Reading and adoption of minutes of previous meeting.

3. Admission of new members.

4. Election of Officers.

5. Divisional Branch Management Committee minutes.

6. Adjourned business.

7. Reading of Correspondence.

8. Auditor's Report.

9. Report of delegates.

10. Secretary's Cash Account.

11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and shall place the number 2,3,4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters; preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES

70 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division to which all members who are eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia, together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) The officers of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.) (Honorary).

(ii) deleted

(iii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

(iv) deleted

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch Management Committee on a quota of one additional Management Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

In the absence of the Industry Divisional Branch President the Industry Divisional Branch Management Committee shall elect from amongst its members a person to chair the meeting.

74 - SUB-BRANCH RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) A capitation fee shall be paid by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

79 - VARIATION TO RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Management Committee

80 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

81 - DISSOLUTION OF BRANCH

(a) The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Industry Divisional Branch members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch, to close down or otherwise restructure the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch is dissolved, members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

82 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

83 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

84 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall be elected by and from all members of the Industry Divisional Branch.

(b) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

(c) Each of the Industry Divisional Branch Assistant Secretaries and Management Committee members shall be elected by and from those members in each of the corresponding states for which such positions exist.

END OF RULES

[105N-BWIU: Incorporates alterations of 5/9/2005 in matter R2004/514]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 81 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member in the States and Territory of Queensland, New South Wales, South Australia, The Australian Capital Territory, Northern Territory, Tasmania, Victoria, and Western Australia, who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“UNFINANCIAL DIVISIONAL BRANCH” shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for The Building Workers' Industrial Union of Australia (or any branch thereof) or used by or for The Operative Plasterers and Plaster Workers' Federation of Australia (or any branch thereof) or Federated Engine Drivers and Firemen's Association of Australasia (or any Branch thereof) any other Union (or branch thereof) which has amalgamated with this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the National Building and Construction Industry Award 1990 or any award of the Australian Industrial Relations Commission replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the Australian Industrial Relations Commission.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5 and/or 6, be entitled to all the benefits of membership.

2. Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for a period or amount arising before or after the certification of this rule change for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) without being limited by any of the foregoing, any other hardship, or prejudice or disadvantage;

(e) periods on workers' compensations or on any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Further provided that the former members of the Federal Council of the Operative Painters and Decorators Union shall, upon amalgamation, be and remain, until the general election, members of the Divisional Conference. Such persons shall remain delegates to the Divisional Conference until 2 January 1997. Thereafter, any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, until the declaration of the election in 2004 only, be, by virtue of the holding of such office, a member of the Divisional Conference. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Conference.

Further provided that those persons from the former Construction Labourers, Plasterers and Painters and the Construction Workers Divisional Branches in Western Australia who were Divisional Branch Delegates to Divisional Conference immediately prior to the integration of those Divisional Branches occurring, shall be members of the Divisional Conference until 2 January, 2001.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(vii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(viii) Six (6) delegates shall form a quorum of the Divisional Conference.

(ix) The expenses of delegates and Divisional Officers shall be paid by the Divisional Executive as follows: First class train fare with sleeper or, alternatively, plane fare. All other expenses for

delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(x) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xi) A Divisional Conference shall be held not later than December 31, 1993 and biennially thereafter at such place and time as the Divisional Executive shall decide.

(xii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiii) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xv) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, telegraphic, facsimile and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, as the case may be, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvi) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

For the purposes of this sub-paragraph, any reference to a "matter or matters" shall be taken as a reference to a matter or matters raised with the Divisional Executive before or after the date upon which this sub-paragraph takes effect.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

   Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

   Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

   The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

   The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

   The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

   In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

   Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, only until the declaration of the election in 2004, be a member of the Divisional Executive. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

   Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

   The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

   (a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

   (b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

   In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

      (i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

      (ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

(b) deleted

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter or telegram or telex or facsimile or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11a)i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the clerical, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary that is not the designated Divisional Assistant Secretary in the case of the incumbent as at the date of certification of this rule amendment, may revert to an honorary office with the consent of that incumbent. Thereafter the office may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional President or the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in the States of Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2009. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January 2008.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

Further provided that on and from 2 January 2005 or the declaration of the election in 2004 whichever is the later, this sub-rule shall have no application to the South Australian Divisional Branch.

(vi) Any reference in sub-paragraph (c) (iv and v) herein to the Building Unions Division, shall where the context permits, be taken to be a reference to the Construction and General Division.

(d) On and from the date of certification of this sub-rule, and until 2 January , 2001, the Officers of the CFMEU, Construction and General Division, Western Australia Divisional Branch shall be :-

Divisional Branch President	Kevin McParland
Divisional Branch Senior Vice President	Dave Simpson
Divisional Branch Vice President	Les Wellington
Divisional Branch Secretary	Kevin Reynolds
Divisional Branch Assistant Secretaries	Joe McDonald
	Kim Young
Divisional Branch Treasurer	Robert Olsen
Divisional Branch Trustees	Ian Hawkens
	Jim Reid
	Alan Williams
Divisional Branch Management Committee	Robert Manwaring
	Bernie Musial

Divisional Branch Organisers	Brian Churchill Glen Hawkins Mick Holly Mark Hudston Daron Smith Kevin Ennor Graham Pallot Dave King Jim Reid

(e) Victoria

(i) In the State of Victoria there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Victorian Building Unions Divisional Branch and the CFMEU, Construction and General Division, Victorian FEDFA Divisional Branch respectively. The Victorian FEDFA Divisional Branch shall consist of all Victorian members eligible for membership of the Division by virtue of rule 2(E) of the National Rules. All members of the Division in the State of Victoria who are not members of the Victorian FEDFA Divisional Branch shall be in the Building Unions Divisional Branch.

(ii) The Victorian FEDFA Divisional Branch referred to above may continue to exist for as long as is appropriate but no later than 30 September 2005. The two Victorian Divisional Branches shall effect restructuring by merging into a single Divisional Branch in Victoria by no later than 30 September 2005 and shall commence discussions on the terms of such merger upon the creation of the Victorian FEDFA Divisional Branch.

(iii) On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the Officers of the CFMEU, Construction and General Division, Victorian FEDFA Divisional Branch shall be:

President	Noel Washington
Vice President	Maurie Hill
Secretary	Tom Watson
Assistant Secretary	Ray Hallett
Divisional Branch Management Committee Members	Bill Neilson Jan Kadziela Steve Long Peter Andriske
Organisers	Colin Stewart Peter Andriske Maurie Hill Ken Johns
Organisers' representative on Divisional Branch Management Committee	Ken Johns
Divisional Branch Delegate/s to Divisional Conference	Noel Washington Tom Watson

Bill Neilson

Thereafter, should the Divisional Branch continue to exist, the Officers of the Divisional Branch shall consist of Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (if deemed necessary by the Divisional Branch Management Committee), Divisional Branch Vice President (if deemed necessary by the Divisional Branch Management Committee) and Divisional Branch Management Committee members, and such Organisers as may be determined necessary as the Divisional Branch Council from time to time determines.

(iv) Notwithstanding any other rule to the contrary, while the Victorian FEDFA Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Victorian FEDFA Divisional Branch.

(v) The funds, property, assets and liabilities of or under the control of the CFMEU FEDFA Division, Victorian Divisional Branch, as they existed immediately prior to the certification of this sub-rule, shall be and become the funds, property, assets and liabilities of or under the control of the CFMEU Construction and General Division, Victorian FEDFA Divisional Branch immediately upon the certification of this sub-rule.

(f) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and

occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 361 Kent Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $20.00 and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $20.00.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $20.00 in any calendar year be imposed on any member or members.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, telegram, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland and Victoria in accordance with Rule 18 of these rules.

(c) There shall be an Industry Divisional Branch to be known as the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch. Sub-Branches of that Industry Divisional Branch shall be known as “X (Brick, Tile, Pottery, Construction Materials and Related Products) Sub-Branch” where X is the State or Territory concerned.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that in Western Australia membership shall be determined in accordance with Rule 18 herein and further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall be and remain members of the Australian Capital Territory Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Building Unions Divisional Branch

(a) The record of members of the Victorian Building Unions Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker

which shall be known as the member's designated classification.

(b) For the purpose of preparing the first record of members of the Victorian Building Unions Divisional Branch in accordance with the provisions of paragraph (a) hereof the Victorian Building Unions Divisional Branch Council shall:-

A. adopt the designated classification record of the BWIU, Victorian Branch immediately preceding the date of amalgamation; and

B. in relation to each member who joined the Victorian Building Unions Divisional Branch between the date of amalgamation and the date of certification of this sub-rule, amend the record having first determined the designated classification of that member having regard to the criteria set out in Rule 32 (iii) (f) (i), (ii) and (iii), the information contained in existing records held by the Victorian Building Unions Divisional Branch and such further information as the Victorian Building Divisional Branch Management Committee considers it necessary to obtain.

(c) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(d) In dealing with applications for membership the Victorian Building Unions Divisional Branch Management Committee shall determine each new member's designated classification.

(e) The Victorian Building Unions Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Building Unions Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Building Unions Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Building Unions Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Building Unions Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Building Unions Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Building Unions Divisional Branch accordingly.

(f) The Victorian Building Unions Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(g) Where the Victorian Building Unions Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Building Unions Divisional Branch Management Committee considers appropriate.

(h) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Building Unions Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(i) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) ACT Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the ACT Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the National Building and Construction Industry Award 1990 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Notwithstanding the foregoing, a member of the Victorian Divisional Branch who was a member of the Operative Painters and Decorators Union on 25 March 1993 and had paid his/her membership contribution up to 28 February 1994 shall be deemed, for all purposes, to be financial for the period 1 March 1994 to 30 September 1994 on the payment by that member of his/her membership contribution calculated in accordance with this Rule for the half year commencing on 1 April 1994.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with an employer (including any Government Department) or any Bank, Building Society, Credit Union or other financial institution for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from the wages or monies payable to the member or from any account maintained by the member as the case may be, and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule; provided that the member was financial immediately prior to arranging such deduction.

Further provided that in the case of the Queensland Construction Workers Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or on an injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $2 per copy.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b) A member who has been financial for 12 months at the time of becoming unemployed or unfinancial for a period of more than three months through sickness or other reasonable cause may have any contribution, fee, levy or other arrear cancelled, waived, credited or otherwise diminished in whole or in part if, in the opinion and absolute discretion of the Divisional Branch Management Committee, such a course of conduct is appropriate. Provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

Any credit, cancellation, waiver or diminution so granted by the Divisional Branch Management Committee shall be deducted from the amount of contributions, fees, levies or arrears due and payable by the member on the records of the Union.

Such cancellation, waiver, credit or diminution may be granted for any period either before or after the certification of this Rule change or before or after any application or proper case being presented for such cancellation, waiver, credit or diminution.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President, two Divisional Branch Vice-Presidents, (which positions shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Tasmanian Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) In the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, three (3) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January. 2005 or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, two Divisional Branch Assistant Secretaries (one of whom shall be from the former Operative Plasterers and Plaster Workers Federation until 1997 and thereafter the position shall be designated Assistant Secretary (Plasterers), Divisional Branch Organisers, and Divisional Branch

Delegates to Divisional Conference and members of the Divisional Branch Committee of Management.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the ACT Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) (a) In Victoria, the officers of the Victorian Building Unions Divisional Branch shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In Victoria, the Officers of the Victorian FEDFA Divisional Branch shall be in accordance Rule 18(e)(iii) of the Construction and General Division Rules.

The office of Organisers' Representative on Divisional Branch Management Committee shall be filled, subject to Rule 18(e)(iii), by election by and from the elected Organisers of the FEDFA Divisional Branch, and such election shall occur as soon as practicable after the Branch elections. The rights, responsibilities and duties of the holder of that office shall be the same as the rights, responsibilities and duties of other members of the Divisional Branch Management Committee.

(c) Upon the occurrence of the merger of the two Victorian Divisional Branches referred to in paragraph 18(e)(ii) of these Divisional Rules, the offices of the merged branch shall be those offices referred to in paragraph (a) of this sub-rule, plus the following offices:

(A) Divisional Branch Senior Vice President (FEDFA), which shall be a full-time position;

(B) Divisional Branch Assistant Secretary (FEDFA), which shall be a full time position; and

(C) Divisional Branch Vice President (FEDFA), which shall be an honorary position;

and those offices shall be occupied from the time of the merger and for the remainder of the 2004-2008 term in accordance with subrule 38(ee) of these Divisional Rules, and thereafter by election in the normal way.

(vii) The officers of the South Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the South Australia Divisional Branch shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(viii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) during the period of 12 months immediately preceding the calling of nominations was not unfinancial for a period longer than 3 months

(C) has been a financial member of the Divisional Branch for the continuous period specified in the scale in sub-rule (a)(vii) herein immediately preceding the calling of nominations and

(D) was, for not less than three quarters of the period of time from the date of certification of this sub-rule (or in the case of any amendments thereto, from the date of certification of such amendments) until the calling of nominations, or a total period of 9 months during the period of twelve months immediately preceding the calling of nominations, whichever is the lesser:

(i) employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch;

(ii) unemployed on account of illness, incapacity or inability to obtain employment; or

(iii) engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto

may nominate for such positions according to that scale.

(ii) deleted

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(v) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(vi) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vii) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	) 3 years'
Divisional Branch President	
Divisional Branch Senior Vice-President and Vice President	) financial) membership
Divisional Branch Delegate to Divisional Conference	))
Divisional Branch Management	)

Committee Member	) 1 year's
District Secretary/Organiser	) financial
Organiser	) membership
Divisional Branch Councillor,	) financial
representatives	) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

(ee) The holders of the offices in the Victorian FEDFA Divisional Branch identified under the heading ‘FEDFA Offices’ in the table set out below, elected in the 2004 elections, shall, upon the merger of the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch referred to in paragraph 18(e)(ii) of these Divisional Rules, thereupon cease to occupy any office in the Victorian FEDFA Divisional Branch, and shall thereupon occupy the corresponding offices

in the merged branch identified under the heading 'Merged Branch Offices' in the table set out below.

FEDFA Offices	Merged Branch Offices
Branch President	Branch Senior Vice President (FEDFA)
Branch Secretary	Branch Assistant Secretary (FEDFA)
Branch Assistant Secretary	Branch Vice-President (FEDFA)
Branch Vice President	Organiser
Organisers	Organisers
Member of Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Organisers' Representative on Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Member of Divisional Branch Council	Member of Divisional Branch Council

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	2000 - 2011 Inclusive 2014 - 2077 Inclusive 2079 - 2097 Inclusive 2099 - 2127 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive 2174 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2558 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2784 Inclusive

Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2280 - 2287 Inclusive 2289 - 2295 Inclusive 2297 - 2307 Inclusive 2314 - 2315 2320 - 2323 Inclusive 2325 - 2327 Inclusive 2330 - 2331 2334 - 2335 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2540 - 2541 2574 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii) (A) In Queensland the State Management Committee of the Construction Workers Divisional Branch shall consist of twenty-one (21) members, including the Divisional Branch President (which position shall be honorary), Divisional Branch Secretary and three (3) Divisional Branch Assistant Secretaries. Each Divisional Branch Assistant Secretary shall be elected by and from those members who are eligible for membership of the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii); National Rule 2(A)(b) and National Rule 2(E) respectively. Provided however that in the event that the Assistant Secretary elected by and from the members eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii) is a plasterer, that person shall become Assistant Secretary (Plasterer) of the Divisional Branch. The Divisional Branch Secretary and the Divisional Branch President (Honorary) shall be elected by and from all members of the Divisional

Branch who are eligible to nominate and vote. There shall be a further sixteen (16) members on the State Management Committee who shall be elected as follows;

(i) ten (10) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2 (A)(a)(i) and (ii);

(ii) two (2) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(A)(b);

(iii) five (5) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(E)

subject to the proviso relating to Divisional Branch President, as set out hereunder:

Provided that the number of Management Committee members elected from one of the above subgroups shall be reduced by one. The subgroup to reduced shall be that which corresponds to the eligibility of the Divisional Branch President.

Further provided that the Divisional Branch Management Committee shall elect from its members three (3) Divisional Branch Vice-Presidents and one of each of the Divisional Branch Vice-Presidents shall be elected from representatives of each of the categories of members referred to in this sub-paragraph.

(B) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule B) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Management Committee shall elect from its members 3 Divisional Branch Vice Presidents.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

(C) In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia

On and from the date of certification of this sub-rule and until 2 January 2001, in Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Divisional Branch Council members:

Peter Ballard
Peter Delaney
Kevin Ennor
Steve Evans
James Fox
Mark Hudston
Tony Kelly
Dave King
Ron Kinney
Tony Lovett
Peter McGraham
Kevin McGuire
Roy McIlwaine
Mick McMahon
Terry McParland
Peter Morrison
Graham Pallot
Daron Smith
Bob Wade
Paul Wrzos

On and from 2 January 2001 the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(vi) (a) A. In Victoria the Divisional Branch Council of the Victorian Building Unions Divisional Branch shall be constituted in accordance with this paragraph.

B. The Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with these rules.

C. The Zone Delegates to Divisional Branch Council referred to in sub-paragraph B hereof shall be determined in accordance with the following formula:-

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Provided further that until 2 January, 1997 of the Zone Delegates for each zone at least 2 shall be tradespersons and at least 2 shall be labourers. In the event that the number of tradesperson candidates for Zone Delegates positions is less than the minimum number of tradesperson delegates for that zone, each position for which there is no tradesperson candidate shall be filled by a labourer. In the event that the number of labourer candidates for Zone Delegate positions is less than the minimum number of labourer delegates for that zone, each position for which there is no labourer candidate shall be filled by a tradesperson.

For the purposes of this sub-rule "tradesperson" shall mean a member whose designated classification is either carpenter, stonemason or tilelayer and "labourer" shall mean a member whose designated classification is labourer in accordance with sub-rule 30 (iii).

Further provided that on and from 2 January, 1997 the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

D. Subject to sub-rule (4) (c) hereof the zones shall be in accordance with the following:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3461 "
	3464 - 3599 "
Northern Victoria	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(b) On and from the date of certification of this sub-rule and until 2 January 2005 or declaration of the election in 2004, whichever is later, and subject to the rules regarding the filling of casual vacancies, the Divisional Branch Council of the Victorian FEDFA Divisional Branch shall be all members of the Divisional Branch Management Committee (where those persons are not expressly included in the following list) and:

President	Noel Washington
Vice President	Maurie Hill
Secretary	Tom Watson
Assistant Secretary	Ray Hallett
Organiser Representative on Divisional Branch Council	Ken Johns
Country/Provincial District	Martin Murphy
	Mark Travis
	Colin Stewart
Metropolitan District	Bill Neilson
	Jan Kadziela
	Steve Long
	Peter Andriske
	Robbie Cecala
La Trobe Valley Sub-Branch	Rod Hart

Thereafter, should the Divisional Branch continue to exist, the Divisional Branch Council shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (where such an officer exists), the Divisional Branch Management Committee members, one (1) of whom shall be Vice President, and the district and sub-branch Councillors, together with a number of elected Branch Organisers (the number to be determined by the Divisional Branch Management Committee).

The district and sub-branch councillors shall be elected as follows:

(a) there shall be a Metropolitan District, which shall be comprised of all members of the Branch who reside within 75 kilometres of the Melbourne GPO, or within such other boundaries as the Divisional Branch Management Committee may determine, and the District shall comprise an electorate by and from which five councillors shall be elected; and

(b) there shall be a Country/Provincial District, which shall comprise all members of the Branch who do not reside within the Metropolitan District or any Sub-Branch, and that District shall comprise an electorate by and from which three councillors shall be elected; and

(c) one councillor shall be elected by and from the members of the La Trobe Valley Sub-Branch.

(c) On and from the occurrence of the merger referred to in paragraph 18(e)(ii) of these Divisional Rules, the members of the Divisional Branch Council of the merged branch shall be:

(A) all of the persons who were members of the Divisional Branch Council of the Victorian Building Unions Divisional Branch immediately prior to the merger; and

(B) all of the persons who were members of the Divisional Branch Council of the Victorian FEDFA Divisional Branch immediately prior to the merger.

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 25 other members consisting of 3 members eligible pursuant to National Rule 2(E), 9 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer. Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25 and 9 in the immediately preceding sentence shall be read as 26 and 10 respectively.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 14 other members, consisting of 3 carpenters, 3 builders labourers, 3 FEDFA (ie those eligible for membership pursuant to National Rule 2(E)), and 2 members from the combined classifications of bricklayer, plasterer and painter together with three other members of the Divisional Branch engaged in any off-site fixed establishment in the State of Tasmania.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in Tasmania the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a) In the Construction Workers Divisional Branch in Queensland, there shall be elected by and from the members of the Queensland Divisional Branch Management Committee as set out in Rule 40 hereof a Divisional Branch Executive of not less than 6 members including the Divisional Branch President and Divisional Branch Secretary.

Such election shall be conducted, the necessary changes being made in accordance with Rule 9 of the Divisional Rules.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in the first, fourth and fifth paragraph in this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

On and from 2 January, 1997 in the Queensland Construction Workers Divisional Branch the Divisional Branch Executive shall consist of eight (8) members elected by and from the Divisional Branch Management Committee including the Divisional Branch President (Honorary), Divisional Branch Secretary and the three (3) Divisional Branch Assistant Secretaries and three (3) other Executive members who are not full-time officials. Divisional Branch Executive members who are not otherwise full-time officers of the Divisional Branch shall be elected from those members of the Divisional Branch Management Committee who are eligible for membership of the Union, the Division and the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii), National Rule 2(A)(b) and National Rule 2(E) and at least one member eligible in accordance with each of the aforementioned sub-rules shall occupy a position on the Divisional Branch Executive other than those occupied by the Divisional Branch Secretary and Divisional Branch Assistant Secretaries.

On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Secretary;

C. all the Divisional Branch Assistant Secretaries; and

D. 3 members elected by and from the Divisional Branch Management Committee, 1 of whom is eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii); 1 of whom is eligible for membership pursuant to National Rule 2(A)(b); and 1 of whom is eligible for membership pursuant to National Rule 2(E).

(b) Without affecting the term of office of persons holding office as Divisional Branch Executive members immediately prior to the date of certification of this sub-rule, the Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall, on and from 2 January, 1997 or the declaration of the election in 1996, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), 2 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, 2 Divisional Branch Assistant Secretaries (including Assistant Secretary (Plasterer)) and eleven other members. Provided however that there shall be at least 1 painter, 1 FEDFA (ie person eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and 1 other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in the Australian Capital Territory the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) A. In Victoria the Divisional Branch Management Committee shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and sixteen (16) others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, and 2 other members elected from

bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

On and from the date of certification of this sub-rule, the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch shall also consist of one fibrous plasterer/fibrous plaster industry member.

B. On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch shall be:

Divisional Branch President	Noel Washington
Divisional Branch Vice President	Maurie Hill
Divisional Branch Secretary	Tom Watson
Divisional Branch Assistant Secretary	Ray Hallett
Divisional Branch Management Committee	Bill Neilson
	Jan Kadziela
	Steve Long
	Peter Andriske
Divisional Branch Management Committee Organiser Representative	Ken Johns

Thereafter, should the Divisional Branch continue to exist, the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Vice President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (when such an officer exists) and twelve other members (or such other number as determined by the Divisional Branch Council). Other members shall be elected from districts and/or sub-branches as determined by the Divisional Branch Council.

C. On and from the occurrence of the merger referred to in paragraph 18(e)(ii) of these Divisional Rules, the members of the Divisional Branch Management Committee of the merged branch shall be

(1) all of the persons who were members of the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch immediately prior to the merger; and

(2) all of the persons who were members of the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch immediately prior to the merger.

(vii) In South Australia the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, three (3) Divisional Branch Management Committee members and three (3) Organisers (one of whom shall represent members eligible for membership of the former Construction Labourers Divisional Branch on the Divisional Branch Management Committee and one of whom shall represent members eligible for membership of the former Construction Workers Divisional Branch, on the Divisional Branch Management Committee).

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in South Australia the Divisional Branch Management Committee shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of Awards and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch

Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or

employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIAN BUILDING UNIONS DIVISIONAL BRANCH)

(i) In the Victorian Building Unions Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the three Divisional Branch Vice-Presidents, the Divisional Branch Secretary and the Divisional Branch Assistant Secretary.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victorian Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case

of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when

requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER AND SENIOR VICE-PRESIDENT (SOUTH AUSTRALIA)

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the South Australian Divisional Branch the Divisional Branch Senior Vice President shall be a full time position. He/she shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President.

The Divisional Branch Senior Vice President shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall work under the direction of the Divisional Branch Secretary. He/she shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

63A - SUB-BRANCHES

(i) In the Victorian FEDFA Divisional Branch there shall be such sub-branches as the Divisional Branch Management Committee or the Divisional Branch Council may from time to time determine, and until and unless either of those bodies determines otherwise, there shall be a La Trobe Valley Sub-Branch, which shall consist of all members of the Divisional Branch whose residential address, as last notified by the member to the office of the Divisional Branch, is no more than 75 kilometres from the Morwell post office, or within such other boundaries as the Divisional Branch Management Committee may from time to time determine.

(ii) Each Sub-Branch shall be governed by a Committee composed of a President, Vice-President, Secretary and four (4) committee members. On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the officers of the La Trobe Valley Sub-Branch shall be:

President	Rod Hart
Vice-President	Ray Johnston
Secretary	Trevor Williams
Committee Members	Frank Gaskall
	John Janiw
	Charlie Webb
	Wayne Pabst

The Sub-Branch officers shall be elected every four (4) years by secret postal ballot in the same manner, the necessary changes being made to reflect the smaller electorate, as for the election of delegates to Divisional Conference, provided that the first election for the four (4) year term of office shall not take place until 2004.

The duties of the Sub-Branch officers shall be those prescribed for the corresponding Divisional Branch officers with any necessary change to make them applicable to the Sub-Branch. The duty of the Committee shall be to govern the sub-Branch in between meetings of the Sub-Branch in accordance with these Rules.

(iii) The Sub-Committee shall be elected by ballot of the financial members of each Sub-Branch. The zone/district that a member is attached to for the purpose of this rule shall be the zone/district that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election. A member shall not be eligible to nominate for any of the positions set out in sub-clause (i) hereof unless he or she has been a member for three (3) months and that he or she be a financial member of the Sub-Branch at the date of nomination.

(iv) The Divisional Branch Returning Officer shall call for nominations for Sub-Branch officers and committee members at the same time and in the same manner as prescribed in Rule 17 of the National Rules and any election necessary shall be mutatis mutandis the provisions set out in Rule 17 of the National Rules.

(v) The Sub-Branch Secretary in addition to keeping minutes, accounts, books and documents the property of the sub-branch, shall pay all money received into the Branch General Account at the Commonwealth Bank. Except where otherwise agreed he or she shall present to each half-yearly meeting a balance sheet certified to by the Auditors and a copy of such balance sheet shall be forwarded to the Branch Secretary prior to the 31st July and 31st January in each year. The Sub-Branch Secretary allowance shall be fixed by the Committee of Management.

(vi) Sub-Branches shall meet for ordinary purposes at least quarterly at such time and place as the sub-Branch may decide.

(vii) Special meetings may be convened to consider important business. Such meetings shall be called:

(i) by direction of an ordinary meeting;

(ii) on demand by ten (10) financial members of the Sub-Branch;

(iii) by direction of the Sub-Branch Committee; or

(iv) on request by the Divisional Branch Management Committee.

Special meetings shall be notified by the Sub-Branch Secretary advising members by circular or where such is the practice by placing the circular on the noticeboard or by advertising in the press the time and place of such meetings and the business to be dealt with.

(viii) Sub-Branches shall have power to make by-laws governing the election and conduct of delegates to Labour Committees in their district.

(ix) Should a vacancy occur in an office of Secretary, Assistant Secretary, President, Vice President or Committee member the position shall be filled by the calling of nominations in conformity with these rules. If there be more than the required number of valid nominations for any office a ballot shall be held and conducted according to the ballot provisions of rule 17 of the National Rules.

The Divisional Branch Committee of Management shall determine the dates for the closing of nominations and the ballot. Provided however, if the unexpired portion of the term of office is three quarters of the term, that is three (3) years or less, the Divisional Branch Committee of Management after taking due regard to the wishes of the Sub-Branch shall have the power to appoint a member who is qualified by these rules to fill the vacancy for the balance of the term.

64 - STANDING ORDERS AND RULES OF DEBATE

(a) Order of Business:

1. Opening of meeting.

2. Reading and adoption of minutes of previous meeting.

3. Admission of new members.

4. Election of Officers.

5. Divisional Branch Management Committee minutes.

6. Adjourned business.

7. Reading of Correspondence.

8. Auditor's Report.

9. Report of delegates.

10. Secretary's Cash Account.

11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and shall place the number 2,3,4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters; preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES

70 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division to which all members who are eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia, together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) The officers of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.) (Honorary).

(ii) deleted

(iii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

(iv) deleted

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch Management Committee on a quota of one additional Management Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

In the absence of the Industry Divisional Branch President the Industry Divisional Branch Management Committee shall elect from amongst its members a person to chair the meeting.

74 - SUB-BRANCH RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) A capitation fee shall be paid by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

79 - VARIATION TO RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Management Committee

80 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

81 - DISSOLUTION OF BRANCH

(a) The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Industry Divisional Branch members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch, to close down or otherwise restructure the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch is dissolved, members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

82 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

83 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

84 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall be elected by and from all members of the Industry Divisional Branch.

(b) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

(c) Each of the Industry Divisional Branch Assistant Secretaries and Management Committee members shall be elected by and from those members in each of the corresponding states for which such positions exist.

END OF RULES

[105N-BWIU: Incorporates alterations of 29/9/2005 in matter R2005/295]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 81 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member in the States and Territory of Queensland, New South Wales, South Australia, The Australian Capital Territory, Northern Territory, Tasmania, Victoria, and Western Australia, who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“UNFINANCIAL DIVISIONAL BRANCH” shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for The Building Workers' Industrial Union of Australia (or any branch thereof) or used by or for The Operative Plasterers and Plaster Workers' Federation of Australia (or any branch thereof) or Federated Engine Drivers and Firemen's Association of Australasia (or any Branch thereof) any other Union (or branch thereof) which has amalgamated with this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the National Building and Construction Industry Award 1990 or any award of the Australian Industrial Relations Commission replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the Australian Industrial Relations Commission.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5 and/or 6, be entitled to all the benefits of membership.

2. Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for a period or amount arising before or after the certification of this rule change for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

   (a) absence from Australia;

   (b) inability to carry on a member's vocation or calling through illness or injury;

   (c) unemployment

   (d) without being limited by any of the foregoing, any other hardship, or prejudice or disadvantage;

   (e) periods on workers' compensations or on any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

   (f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Further provided that the former members of the Federal Council of the Operative Painters and Decorators Union shall, upon amalgamation, be and remain, until the general election, members of the Divisional Conference. Such persons shall remain delegates to the Divisional Conference until 2 January 1997. Thereafter, any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, until the declaration of the election in 2004 only, be, by virtue of the holding of such office, a member of the Divisional Conference. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Conference.

Further provided that those persons from the former Construction Labourers, Plasterers and Painters and the Construction Workers Divisional Branches in Western Australia who were Divisional Branch Delegates to Divisional Conference immediately prior to the integration of those Divisional Branches occurring, shall be members of the Divisional Conference until 2 January, 2001.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(vii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(viii) Six (6) delegates shall form a quorum of the Divisional Conference.

(ix) The expenses of delegates and Divisional Officers shall be paid by the Divisional Executive as follows: First class train fare with sleeper or, alternatively, plane fare. All other expenses for

delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(x) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xi) A Divisional Conference shall be held not later than December 31, 1993 and biennially thereafter at such place and time as the Divisional Executive shall decide.

(xii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiii) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xv) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, telegraphic, facsimile and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, as the case may be, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvi) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

For the purposes of this sub-paragraph, any reference to a "matter or matters" shall be taken as a reference to a matter or matters raised with the Divisional Executive before or after the date upon which this sub-paragraph takes effect.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

   Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

   Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

   The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

   The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

   The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

   In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

   Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, only until the declaration of the election in 2004, be a member of the Divisional Executive. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

   Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

   The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

   (a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

   (b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

   In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

      (i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

      (ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

(b) deleted

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter or telegram or telex or facsimile or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11a)i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the clerical, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary that is not the designated Divisional Assistant Secretary in the case of the incumbent as at the date of certification of this rule amendment, may revert to an honorary office with the consent of that incumbent. Thereafter the office may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional President or the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in the States of Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2009. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January 2008.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

Further provided that on and from 2 January 2005 or the declaration of the election in 2004 whichever is the later, this sub-rule shall have no application to the South Australian Divisional Branch.

(vi) Any reference in sub-paragraph (c) (iv and v) herein to the Building Unions Division, shall where the context permits, be taken to be a reference to the Construction and General Division.

(d) On and from the date of certification of this sub-rule, and until 2 January , 2001, the Officers of the CFMEU, Construction and General Division, Western Australia Divisional Branch shall be :-

Divisional Branch President	Kevin McParland
Divisional Branch Senior Vice President	Dave Simpson
Divisional Branch Vice President	Les Wellington
Divisional Branch Secretary	Kevin Reynolds
Divisional Branch Assistant Secretaries	Joe McDonald
	Kim Young
Divisional Branch Treasurer	Robert Olsen
Divisional Branch Trustees	Ian Hawkens
	Jim Reid
	Alan Williams
Divisional Branch Management Committee	Robert Manwaring
	Bernie Musial

Divisional Branch Organisers	Brian Churchill Glen Hawkins Mick Holly Mark Hudston Daron Smith Kevin Ennor Graham Pallot Dave King Jim Reid

(e) Victoria

(i) In the State of Victoria there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Victorian Building Unions Divisional Branch and the CFMEU, Construction and General Division, Victorian FEDFA Divisional Branch respectively. The Victorian FEDFA Divisional Branch shall consist of all Victorian members eligible for membership of the Division by virtue of rule 2(E) of the National Rules. All members of the Division in the State of Victoria who are not members of the Victorian FEDFA Divisional Branch shall be in the Building Unions Divisional Branch.

(ii) The Victorian FEDFA Divisional Branch referred to above may continue to exist for as long as is appropriate but no later than 1 January 2006. The two Victorian Divisional Branches shall effect restructuring by merging into a single Divisional Branch in Victoria by no later than 1 January 2006 and shall commence discussions on the terms of such merger upon the creation of the Victorian FEDFA Divisional Branch.

Those officers elected at the 2004 Divisional Branch elections and who are referred to in rule 38(ee) herein, shall continue to hold office in the Victorian FEDFA Divisional Branch until assuming office in the merged Divisional Branch in accordance with rule 38(ee), provided however that such officers shall not hold any office in the Victorian FEDFA Divisional Branch beyond the last date for the merger of the two Divisional Branches namely, 1 January 2006.

(iii) On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the Officers of the CFMEU, Construction and General Division, Victorian FEDFA Divisional Branch shall be:

President	Noel Washington
Vice President	Maurie Hill
Secretary	Tom Watson
Assistant Secretary	Ray Hallett
Divisional Branch Management Committee Members	Bill Neilson Jan Kadziela Steve Long Peter Andriske
Organisers	Colin Stewart Peter Andriske Maurie Hill Ken Johns

Organisers' representative on Divisional Branch Management Committee	Ken Johns
Divisional Branch Delegate/s to Divisional Conference	Noel Washington Tom Watson Bill Neilson

Thereafter, should the Divisional Branch continue to exist, the Officers of the Divisional Branch shall consist of Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (if deemed necessary by the Divisional Branch Management Committee), Divisional Branch Vice President (if deemed necessary by the Divisional Branch Management Committee) and Divisional Branch Management Committee members, and such Organisers as may be determined necessary as the Divisional Branch Council from time to time determines.

(iv) Notwithstanding any other rule to the contrary, while the Victorian FEDFA Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Victorian FEDFA Divisional Branch.

(v) The funds, property, assets and liabilities of or under the control of the CFMEU FEDFA Division, Victorian Divisional Branch, as they existed immediately prior to the certification of this sub-rule, shall be and become the funds, property, assets and liabilities of or under the control of the CFMEU Construction and General Division, Victorian FEDFA Divisional Branch immediately upon the certification of this sub-rule.

(f) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 361 Kent Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $20.00 and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $20.00.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $20.00 in any calendar year be imposed on any member or members.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, telegram, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland and Victoria in accordance with Rule 18 of these rules.

(c) There shall be an Industry Divisional Branch to be known as the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch. Sub-Branches of that Industry Divisional Branch shall be known as “X (Brick, Tile, Pottery, Construction Materials and Related Products) Sub-Branch” where X is the State or Territory concerned.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that in Western Australia membership shall be determined in accordance with Rule 18 herein and further provided that notwithstanding the provisions of any other rule, all persons who are members of or

apply for membership of the Division, who are residing or employed in the Northern Territory shall be and remain members of the Australian Capital Territory Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Building Unions Divisional Branch

(a) The record of members of the Victorian Building Unions Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler

(x) fibrous plasterer/fibrous plaster industry worker

which shall be known as the member's designated classification.

(b) For the purpose of preparing the first record of members of the Victorian Building Unions Divisional Branch in accordance with the provisions of paragraph (a) hereof the Victorian Building Unions Divisional Branch Council shall:-

A. adopt the designated classification record of the BWIU, Victorian Branch immediately preceding the date of amalgamation; and

B. in relation to each member who joined the Victorian Building Unions Divisional Branch between the date of amalgamation and the date of certification of this sub-rule, amend the record having first determined the designated classification of that member having regard to the criteria set out in Rule 32 (iii) (f) (i), (ii) and (iii), the information contained in existing records held by the Victorian Building Unions Divisional Branch and such further information as the Victorian Building Divisional Branch Management Committee considers it necessary to obtain.

(c) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(d) In dealing with applications for membership the Victorian Building Unions Divisional Branch Management Committee shall determine each new member's designated classification.

(e) The Victorian Building Unions Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Building Unions Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Building Unions Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Building Unions Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Building Unions Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Building Unions Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Building Unions Divisional Branch accordingly.

(f) The Victorian Building Unions Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(g) Where the Victorian Building Unions Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Building Unions Divisional Branch Management Committee considers appropriate.

(h) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Building Unions Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(i) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) ACT Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the ACT Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the National Building and Construction Industry Award 1990 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Notwithstanding the foregoing, a member of the Victorian Divisional Branch who was a member of the Operative Painters and Decorators Union on 25 March 1993 and had paid his/her membership contribution up to 28 February 1994 shall be deemed, for all purposes, to be financial for the period 1 March 1994 to 30 September 1994 on the payment by that member of his/her membership contribution calculated in accordance with this Rule for the half year commencing on 1 April 1994.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with an employer (including any Government Department) or any Bank, Building Society, Credit Union or other financial institution for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from the wages or monies payable to the member or from any account maintained by the member as the

case may be, and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule; provided that the member was financial immediately prior to arranging such deduction.

Further provided that in the case of the Queensland Construction Workers Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear

relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or on an injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $2 per copy.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b) A member who has been financial for 12 months at the time of becoming unemployed or unfinancial for a period of more than three months through sickness or other reasonable cause may have any contribution, fee, levy or other arrear cancelled, waived, credited or otherwise diminished in whole or in part if, in the opinion and absolute discretion of the Divisional Branch Management Committee, such a course of conduct is appropriate. Provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

Any credit, cancellation, waiver or diminution so granted by the Divisional Branch Management Committee shall be deducted from the amount of contributions, fees, levies or arrears due and payable by the member on the records of the Union.

Such cancellation, waiver, credit or diminution may be granted for any period either before or after the certification of this Rule change or before or after any application or proper case being presented for such cancellation, waiver, credit or diminution.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President, two Divisional Branch Vice-Presidents, (which positions shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Tasmanian Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) In the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, three (3) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January. 2005 or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, two Divisional Branch Assistant Secretaries (one of whom shall be from the former Operative Plasterers and Plaster Workers Federation until 1997 and thereafter the position shall be designated Assistant Secretary (Plasterers), Divisional Branch Organisers, and Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Committee of Management.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the ACT Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) (a) In Victoria, the officers of the Victorian Building Unions Divisional Branch shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In Victoria, the Officers of the Victorian FEDFA Divisional Branch shall be in accordance Rule 18(e)(iii) of the Construction and General Division Rules.

The office of Organisers' Representative on Divisional Branch Management Committee shall be filled, subject to Rule 18(e)(iii), by election by and from the elected Organisers of the FEDFA Divisional Branch, and such election shall occur as soon as practicable after the Branch elections. The rights, responsibilities and duties of the holder of that office shall be the same as the rights, responsibilities and duties of other members of the Divisional Branch Management Committee.

(c) Upon the occurrence of the merger of the two Victorian Divisional Branches referred to in paragraph 18(e)(ii) of these Divisional Rules, the offices of the merged branch shall be those offices referred to in paragraph (a) of this sub-rule, plus the following offices:

(A) Divisional Branch Senior Vice President (FEDFA), which shall be a full-time position;

(B) Divisional Branch Assistant Secretary (FEDFA), which shall be a full time position; and

(C) Divisional Branch Vice President (FEDFA), which shall be an honorary position;

and those offices shall be occupied from the time of the merger and for the remainder of the 2004-2008 term in accordance with subrule 38(ee) of these Divisional Rules, and thereafter by election in the normal way.

(vii) The officers of the South Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the South Australia Divisional Branch shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(viii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) during the period of 12 months immediately preceding the calling of nominations was not unfinancial for a period longer than 3 months

(C) has been a financial member of the Divisional Branch for the continuous period specified in the scale in sub-rule (a)(vii) herein immediately preceding the calling of nominations and

(D) was, for not less than three quarters of the period of time from the date of certification of this sub-rule (or in the case of any amendments thereto, from the date of certification of such amendments) until the calling of nominations, or a total period of 9 months during the period of twelve months immediately preceding the calling of nominations, whichever is the lesser:

(i) employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch;

(ii) unemployed on account of illness, incapacity or inability to obtain employment; or

(iii) engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto

may nominate for such positions according to that scale.

(ii) deleted

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(v) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(vi) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vii) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	) 3 years'
Divisional Branch President	
Divisional Branch Senior Vice-President and Vice President	) financial) membership
Divisional Branch Delegate to Divisional Conference	))

Divisional Branch Management	)
Committee Member	) 1 year's
District Secretary/Organiser	) financial
Organiser	) membership
Divisional Branch Councillor, representatives	) financial) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

(ee) The holders of the offices in the Victorian FEDFA Divisional Branch identified under the heading ‘FEDFA Offices’ in the table set out below, elected in the 2004 elections, shall, upon the merger of the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch referred to in paragraph 18(e)(ii) of these Divisional Rules, thereupon cease to occupy any office in the Victorian FEDFA Divisional Branch, and shall thereupon occupy the corresponding offices

in the merged branch identified under the heading 'Merged Branch Offices' in the table set out below.

FEDFA Offices	Merged Branch Offices
Branch President	Branch Senior Vice President (FEDFA)
Branch Secretary	Branch Assistant Secretary (FEDFA)
Branch Assistant Secretary	Branch Vice-President (FEDFA)
Branch Vice President	Organiser
Organisers	Organisers
Member of Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Organisers' Representative on Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Member of Divisional Branch Council	Member of Divisional Branch Council

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	2000 - 2011 Inclusive 2014 - 2077 Inclusive 2079 - 2097 Inclusive 2099 - 2127 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive 2174 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2558 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2784 Inclusive

Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2280 - 2287 Inclusive 2289 - 2295 Inclusive 2297 - 2307 Inclusive 2314 - 2315 2320 - 2323 Inclusive 2325 - 2327 Inclusive 2330 - 2331 2334 - 2335 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2540 - 2541 2574 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii) (A) In Queensland the State Management Committee of the Construction Workers Divisional Branch shall consist of twenty-one (21) members, including the Divisional Branch President (which position shall be honorary), Divisional Branch Secretary and three (3) Divisional Branch Assistant Secretaries. Each Divisional Branch Assistant Secretary shall be elected by and from those members who are eligible for membership of the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii); National Rule 2(A)(b) and National Rule 2(E) respectively. Provided however that in the event that the Assistant Secretary elected by and from the members eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii) is a plasterer, that person shall become Assistant Secretary (Plasterer) of the Divisional Branch. The Divisional Branch Secretary and the Divisional Branch President (Honorary) shall be elected by and from all members of the Divisional

Branch who are eligible to nominate and vote. There shall be a further sixteen (16) members on the State Management Committee who shall be elected as follows;

(i) ten (10) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2 (A)(a)(i) and (ii);

(ii) two (2) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(A)(b);

(iii) five (5) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(E)

subject to the proviso relating to Divisional Branch President, as set out hereunder:

Provided that the number of Management Committee members elected from one of the above subgroups shall be reduced by one. The subgroup to reduced shall be that which corresponds to the eligibility of the Divisional Branch President.

Further provided that the Divisional Branch Management Committee shall elect from its members three (3) Divisional Branch Vice-Presidents and one of each of the Divisional Branch Vice-Presidents shall be elected from representatives of each of the categories of members referred to in this sub-paragraph.

(B) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule B) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Management Committee shall elect from its members 3 Divisional Branch Vice Presidents.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

(C) In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia

On and from the date of certification of this sub-rule and until 2 January 2001, in Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Divisional Branch Council members:

Peter Ballard
Peter Delaney
Kevin Ennor
Steve Evans
James Fox
Mark Hudston
Tony Kelly
Dave King
Ron Kinney
Tony Lovett
Peter McGraham
Kevin McGuire
Roy McIlwaine
Mick McMahon
Terry McParland
Peter Morrison
Graham Pallot
Daron Smith
Bob Wade
Paul Wrzos

On and from 2 January 2001 the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(vi) (a) A. In Victoria the Divisional Branch Council of the Victorian Building Unions Divisional Branch shall be constituted in accordance with this paragraph.

B. The Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with these rules.

C. The Zone Delegates to Divisional Branch Council referred to in sub-paragraph B hereof shall be determined in accordance with the following formula:-

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Provided further that until 2 January, 1997 of the Zone Delegates for each zone at least 2 shall be tradespersons and at least 2 shall be labourers. In the event that the number of tradesperson candidates for Zone Delegates positions is less than the minimum number of tradesperson delegates for that zone, each position for which there is no tradesperson candidate shall be filled by a labourer. In the event that the number of labourer candidates for Zone Delegate positions is less than the minimum number of labourer delegates for that zone, each position for which there is no labourer candidate shall be filled by a tradesperson.

For the purposes of this sub-rule "tradesperson" shall mean a member whose designated classification is either carpenter, stonemason or tilelayer and "labourer" shall mean a member whose designated classification is labourer in accordance with sub-rule 30 (iii).

Further provided that on and from 2 January, 1997 the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

D. Subject to sub-rule (4) (c) hereof the zones shall be in accordance with the following:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3461 "
	3464 - 3599 "
Northern Victoria	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(b) On and from the date of certification of this sub-rule and until 2 January 2005 or declaration of the election in 2004, whichever is later, and subject to the rules regarding the filling of casual vacancies, the Divisional Branch Council of the Victorian FEDFA Divisional Branch shall be all members of the Divisional Branch Management Committee (where those persons are not expressly included in the following list) and:

President	Noel Washington
Vice President	Maurie Hill
Secretary	Tom Watson
Assistant Secretary	Ray Hallett
Organiser Representative on Divisional Branch Council	Ken Johns
Country/Provincial District	Martin Murphy
	Mark Travis
	Colin Stewart
Metropolitan District	Bill Neilson
	Jan Kadziela
	Steve Long
	Peter Andriske
	Robbie Cecala
La Trobe Valley Sub-Branch	Rod Hart

Thereafter, should the Divisional Branch continue to exist, the Divisional Branch Council shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (where such an officer exists), the Divisional Branch Management Committee members, one (1) of whom shall be Vice President, and the district and sub-branch Councillors, together with a number of elected Branch Organisers (the number to be determined by the Divisional Branch Management Committee).

The district and sub-branch councillors shall be elected as follows:

(a) there shall be a Metropolitan District, which shall be comprised of all members of the Branch who reside within 75 kilometres of the Melbourne GPO, or within such other boundaries as the Divisional Branch Management Committee may determine, and the District shall comprise an electorate by and from which five councillors shall be elected; and

(b) there shall be a Country/Provincial District, which shall comprise all members of the Branch who do not reside within the Metropolitan District or any Sub-Branch, and that District shall comprise an electorate by and from which three councillors shall be elected; and

(c) one councillor shall be elected by and from the members of the La Trobe Valley Sub-Branch.

(c) On and from the occurrence of the merger referred to in paragraph 18(e)(ii) of these Divisional Rules, the members of the Divisional Branch Council of the merged branch shall be:

(A) all of the persons who were members of the Divisional Branch Council of the Victorian Building Unions Divisional Branch immediately prior to the merger; and

(B) all of the persons who were members of the Divisional Branch Council of the Victorian FEDFA Divisional Branch immediately prior to the merger.

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 25 other members consisting of 3 members eligible pursuant to National Rule 2(E), 9 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer. Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25 and 9 in the immediately preceding sentence shall be read as 26 and 10 respectively.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 14 other members, consisting of 3 carpenters, 3 builders labourers, 3 FEDFA (ie those eligible for membership pursuant to National Rule 2(E)), and 2 members from the combined classifications of bricklayer, plasterer and painter together with three other members of the Divisional Branch engaged in any off-site fixed establishment in the State of Tasmania.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in Tasmania the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a) In the Construction Workers Divisional Branch in Queensland, there shall be elected by and from the members of the Queensland Divisional Branch Management Committee as set out in Rule 40 hereof a Divisional Branch Executive of not less than 6 members including the Divisional Branch President and Divisional Branch Secretary.

Such election shall be conducted, the necessary changes being made in accordance with Rule 9 of the Divisional Rules.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in the first, fourth and fifth paragraph in this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

On and from 2 January, 1997 in the Queensland Construction Workers Divisional Branch the Divisional Branch Executive shall consist of eight (8) members elected by and from the Divisional Branch Management Committee including the Divisional Branch President (Honorary), Divisional Branch Secretary and the three (3) Divisional Branch Assistant Secretaries and three (3) other Executive members who are not full-time officials. Divisional Branch Executive members who are not otherwise full-time officers of the Divisional Branch shall be elected from those members of the Divisional Branch Management Committee who are eligible for membership of the Union, the Division and the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii), National Rule 2(A)(b) and National Rule 2(E) and at least one member eligible in accordance with each of the aforementioned sub-rules shall occupy a position on the Divisional Branch Executive other than those occupied by the Divisional Branch Secretary and Divisional Branch Assistant Secretaries.

On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Secretary;

C. all the Divisional Branch Assistant Secretaries; and

D. 3 members elected by and from the Divisional Branch Management Committee, 1 of whom is eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii); 1 of whom is eligible for membership pursuant to National Rule 2(A)(b); and 1 of whom is eligible for membership pursuant to National Rule 2(E).

(b) Without affecting the term of office of persons holding office as Divisional Branch Executive members immediately prior to the date of certification of this sub-rule, the Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall, on and from 2 January, 1997 or the declaration of the election in 1996, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), 2 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, 2 Divisional Branch Assistant Secretaries (including Assistant Secretary (Plasterer)) and eleven other members. Provided however that there shall be at least 1 painter, 1 FEDFA (ie person eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and 1 other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in the Australian Capital Territory the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) A. In Victoria the Divisional Branch Management Committee shall consist of the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and sixteen (16) others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, and 2 other members elected from

bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

On and from the date of certification of this sub-rule, the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch shall also consist of one fibrous plasterer/fibrous plaster industry member.

B. On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch shall be:

Divisional Branch President	Noel Washington
Divisional Branch Vice President	Maurie Hill
Divisional Branch Secretary	Tom Watson
Divisional Branch Assistant Secretary	Ray Hallett
Divisional Branch Management Committee	Bill Neilson
	Jan Kadziela
	Steve Long
	Peter Andriske
Divisional Branch Management Committee Organiser Representative	Ken Johns

Thereafter, should the Divisional Branch continue to exist, the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Vice President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (when such an officer exists) and twelve other members (or such other number as determined by the Divisional Branch Council). Other members shall be elected from districts and/or sub-branches as determined by the Divisional Branch Council.

C. On and from the occurrence of the merger referred to in paragraph 18(e)(ii) of these Divisional Rules, the members of the Divisional Branch Management Committee of the merged branch shall be

(1) all of the persons who were members of the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch immediately prior to the merger; and

(2) all of the persons who were members of the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch immediately prior to the merger.

(vii) In South Australia the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, three (3) Divisional Branch Management Committee members and three (3) Organisers (one of whom shall represent members eligible for membership of the former Construction Labourers Divisional Branch on the Divisional Branch Management Committee and one of whom shall represent members eligible for membership of the former Construction Workers Divisional Branch, on the Divisional Branch Management Committee).

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in South Australia the Divisional Branch Management Committee shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of Awards and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch

Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or

employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIAN BUILDING UNIONS DIVISIONAL BRANCH)

(i) In the Victorian Building Unions Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the three Divisional Branch Vice-Presidents, the Divisional Branch Secretary and the Divisional Branch Assistant Secretary.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victorian Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case

of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when

requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER AND SENIOR VICE-PRESIDENT (SOUTH AUSTRALIA)

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the South Australian Divisional Branch the Divisional Branch Senior Vice President shall be a full time position. He/she shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President.

The Divisional Branch Senior Vice President shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall work under the direction of the Divisional Branch Secretary. He/she shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

63A - SUB-BRANCHES

(i) In the Victorian FEDFA Divisional Branch there shall be such sub-branches as the Divisional Branch Management Committee or the Divisional Branch Council may from time to time determine, and until and unless either of those bodies determines otherwise, there shall be a La Trobe Valley Sub-Branch, which shall consist of all members of the Divisional Branch whose residential address, as last notified by the member to the office of the Divisional Branch, is no more than 75 kilometres from the Morwell post office, or within such other boundaries as the Divisional Branch Management Committee may from time to time determine.

(ii) Each Sub-Branch shall be governed by a Committee composed of a President, Vice-President, Secretary and four (4) committee members. On and from the date of certification of this sub-rule and until 2 January 2005, or the declaration of the election in 2004, whichever is the later, and subject to the rules regarding the filling of casual vacancies, the officers of the La Trobe Valley Sub-Branch shall be:

President	Rod Hart
Vice-President	Ray Johnston
Secretary	Trevor Williams
Committee Members	Frank Gaskall
	John Janiw
	Charlie Webb
	Wayne Pabst

The Sub-Branch officers shall be elected every four (4) years by secret postal ballot in the same manner, the necessary changes being made to reflect the smaller electorate, as for the election of delegates to Divisional Conference, provided that the first election for the four (4) year term of office shall not take place until 2004.

The duties of the Sub-Branch officers shall be those prescribed for the corresponding Divisional Branch officers with any necessary change to make them applicable to the Sub-Branch. The duty of the Committee shall be to govern the sub-Branch in between meetings of the Sub-Branch in accordance with these Rules.

(iii) The Sub-Committee shall be elected by ballot of the financial members of each Sub-Branch. The zone/district that a member is attached to for the purpose of this rule shall be the zone/district that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election. A member shall not be eligible to nominate for any of the positions set out in sub-clause (i) hereof unless he or she has been a member for three (3) months and that he or she be a financial member of the Sub-Branch at the date of nomination.

(iv) The Divisional Branch Returning Officer shall call for nominations for Sub-Branch officers and committee members at the same time and in the same manner as prescribed in Rule 17 of the National Rules and any election necessary shall be mutatis mutandis the provisions set out in Rule 17 of the National Rules.

(v) The Sub-Branch Secretary in addition to keeping minutes, accounts, books and documents the property of the sub-branch, shall pay all money received into the Branch General Account at the Commonwealth Bank. Except where otherwise agreed he or she shall present to each half-yearly meeting a balance sheet certified to by the Auditors and a copy of such balance sheet shall be forwarded to the Branch Secretary prior to the 31st July and 31st January in each year. The Sub-Branch Secretary allowance shall be fixed by the Committee of Management.

(vi) Sub-Branches shall meet for ordinary purposes at least quarterly at such time and place as the sub-Branch may decide.

(vii) Special meetings may be convened to consider important business. Such meetings shall be called:

(i) by direction of an ordinary meeting;

(ii) on demand by ten (10) financial members of the Sub-Branch;

(iii) by direction of the Sub-Branch Committee; or

(iv) on request by the Divisional Branch Management Committee.

Special meetings shall be notified by the Sub-Branch Secretary advising members by circular or where such is the practice by placing the circular on the noticeboard or by advertising in the press the time and place of such meetings and the business to be dealt with.

(viii) Sub-Branches shall have power to make by-laws governing the election and conduct of delegates to Labour Committees in their district.

(ix) Should a vacancy occur in an office of Secretary, Assistant Secretary, President, Vice President or Committee member the position shall be filled by the calling of nominations in conformity with these rules. If there be more than the required number of valid nominations for any office a ballot shall be held and conducted according to the ballot provisions of rule 17 of the National Rules.

The Divisional Branch Committee of Management shall determine the dates for the closing of nominations and the ballot. Provided however, if the unexpired portion of the term of office is three quarters of the term, that is three (3) years or less, the Divisional Branch Committee of Management after taking due regard to the wishes of the Sub-Branch shall have the power to appoint a member who is qualified by these rules to fill the vacancy for the balance of the term.

64 - STANDING ORDERS AND RULES OF DEBATE

(a) Order of Business:

1. Opening of meeting.

2. Reading and adoption of minutes of previous meeting.

3. Admission of new members.

4. Election of Officers.

5. Divisional Branch Management Committee minutes.

6. Adjourned business.

7. Reading of Correspondence.

8. Auditor's Report.

9. Report of delegates.

10. Secretary's Cash Account.

11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and shall place the number 2,3,4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters; preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES

70 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division to which all members who are eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia, together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) The officers of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.) (Honorary).

(ii) deleted

(iii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

(iv) deleted

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch Management Committee on a quota of one additional Management Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

In the absence of the Industry Divisional Branch President the Industry Divisional Branch Management Committee shall elect from amongst its members a person to chair the meeting.

74 - SUB-BRANCH RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) A capitation fee shall be paid by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

79 - VARIATION TO RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Management Committee

80 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

81 - DISSOLUTION OF BRANCH

(a) The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Industry Divisional Branch members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch, to close down or otherwise restructure the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch is dissolved, members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

82 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

83 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

84 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall be elected by and from all members of the Industry Divisional Branch.

(b) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

(c) Each of the Industry Divisional Branch Assistant Secretaries and Management Committee members shall be elected by and from those members in each of the corresponding states for which such positions exist.

END OF RULES

[105N-BWIU: Incorporates alterations of 23/12/2005 in matter R2005/234]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 78 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member in the States and Territory of Queensland, New South Wales, South Australia, The Australian Capital Territory, Northern Territory, Tasmania, Victoria, and Western Australia, who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“UNFINANCIAL DIVISIONAL BRANCH” shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for The Building Workers' Industrial Union of Australia (or any branch thereof) or used by or for The Operative Plasterers and Plaster Workers' Federation of Australia (or any branch thereof) or Federated Engine Drivers and Firemen's Association of Australasia (or any Branch thereof) any other Union (or branch thereof) which has amalgamated with this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the National Building and Construction Industry Award 1990 or any award of the Australian Industrial Relations Commission replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the Australian Industrial Relations Commission.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5 and/or 6, be entitled to all the benefits of membership.

2. Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for a period or amount arising before or after the certification of this rule change for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

   (a) absence from Australia;

   (b) inability to carry on a member's vocation or calling through illness or injury;

   (c) unemployment

   (d) without being limited by any of the foregoing, any other hardship, or prejudice or disadvantage;

   (e) periods on workers' compensations or on any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

   (f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Further provided that the former members of the Federal Council of the Operative Painters and Decorators Union shall, upon amalgamation, be and remain, until the general election, members of the Divisional Conference. Such persons shall remain delegates to the Divisional Conference until 2 January 1997. Thereafter, any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, until the declaration of the election in 2004 only, be, by virtue of the holding of such office, a member of the Divisional Conference. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Conference.

Further provided that those persons from the former Construction Labourers, Plasterers and Painters and the Construction Workers Divisional Branches in Western Australia who were Divisional Branch Delegates to Divisional Conference immediately prior to the integration of those Divisional Branches occurring, shall be members of the Divisional Conference until 2 January, 2001.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(a) Provided however that, notwithstanding any other rule to the contrary, if a delegate of the NSW Divisional Branch to Divisional Conference elected in the 2004 elections dies or resigns or otherwise ceases to be a delegate, the vacancy in that position shall not be filled if the result of it being filled is that the number of delegates of the NSW Divisional Branch to Divisional Conference exceeds 13, and instead the position shall, by operation of this sub-rule, be abolished.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victorian Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victorian Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victorian Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) The expenses of delegates and Divisional Officers shall be paid by the Divisional Executive as follows: First class train fare with sleeper or, alternatively, plane fare. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held not later than December 31, 1993 and biennially thereafter at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the

date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, telegraphic, facsimile and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, as the case may be, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

For the purposes of this sub-paragraph, any reference to a "matter or matters" shall be taken as a reference to a matter or matters raised with the Divisional Executive before or after the date upon which this sub-paragraph takes effect.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and

elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

Further, the Victorian Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, only until the declaration of the election in 2004, be a member of the Divisional Executive. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a

notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

(b) deleted

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference

delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the

Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the

Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter or telegram or telex or facsimile or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or

Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the clerical, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary that is not the designated Divisional Assistant Secretary in the case of the incumbent as at the date of certification of this rule amendment, may revert to an honorary office with the consent of that incumbent. Thereafter the office may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional President or the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in the States of Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any

other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2009. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January 2008.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

Further provided that on and from 2 January 2005 or the declaration of the election in 2004 whichever is the later, this sub-rule shall have no application to the South Australian Divisional Branch.

(vi) Any reference in sub-paragraph (c) (iv and v) herein to the Building Unions Division, shall where the context permits, be taken to be a reference to the Construction and General Division.

(d) On and from the date of certification of this sub-rule, and until 2 January , 2001, the Officers of the CFMEU, Construction and General Division, Western Australia Divisional Branch shall be :-

Divisional Branch President	Kevin McParland
Divisional Branch Senior Vice President	Dave Simpson
Divisional Branch Vice President	Les Wellington
Divisional Branch Secretary	Kevin Reynolds
Divisional Branch Assistant Secretaries	Joe McDonald
	Kim Young
Divisional Branch Treasurer	Robert Olsen
Divisional Branch Trustees	Ian Hawkens
	Jim Reid
	Alan Williams
Divisional Branch Management Committee	Robert Manwaring
	Bernie Musial
	Brian Churchill
	Glen Hawkins
	Mick Holly
Divisional Branch Organisers	Mark Hudston
	Daron Smith
	Kevin Ennor
	Graham Pallot
	Dave King
	Jim Reid

(e) Victoria

(i) In the State of Victoria the branch shall be called the Victorian Divisional Branch, and it shall consist of all persons in the State of Victoria who are eligible to be members of the Division.

(ii) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(iii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(f) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 361 Kent Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $20.00 and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $20.00.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $20.00 in any calendar year be imposed on any member or members.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, telegram, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland and Victoria in accordance with Rule 18 of these rules.

(c) There shall be an Industry Divisional Branch to be known as the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch. Sub-Branches of that Industry Divisional Branch shall be known as "X (Brick, Tile, Pottery, Construction Materials and Related Products) Sub-Branch" where X is the State or Territory concerned.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that in Western Australia membership shall be determined in accordance with Rule 18 herein and further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall be and remain members of the Australian Capital Territory Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where

election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their

apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Divisional Branch

(a) The record of members of the Victorian Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victorian Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victorian Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Divisional Branch Management Committee to state in writing the reasons why he or she

should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Divisional Branch accordingly.

(e) The Victorian Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victorian Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) ACT Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the ACT Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the National Building and Construction Industry Award 1990 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Notwithstanding the foregoing, a member of the Victorian Divisional Branch who was a member of the Operative Painters and Decorators Union on 25 March 1993 and had paid his/her membership contribution up to 28 February 1994 shall be deemed, for all purposes, to be financial

for the period 1 March 1994 to 30 September 1994 on the payment by that member of his/her membership contribution calculated in accordance with this Rule for the half year commencing on 1 April 1994.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with an employer (including any Government Department) or any Bank, Building Society, Credit Union or other financial institution for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from the wages or monies payable to the member or from any account maintained by the member as the case may be, and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule; provided that the member was financial immediately prior to arranging such deduction.

Further provided that in the case of the Queensland Construction Workers Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or on an injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $2 per copy.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b) A member who has been financial for 12 months at the time of becoming unemployed or unfinancial for a period of more than three months through sickness or other reasonable cause may have any contribution, fee, levy or other arrear cancelled, waived, credited or otherwise diminished in whole or in part if, in the opinion and absolute discretion of the Divisional Branch Management Committee, such a course of conduct is appropriate. Provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

Any credit, cancellation, waiver or diminution so granted by the Divisional Branch Management Committee shall be deducted from the amount of contributions, fees, levies or arrears due and payable by the member on the records of the Union.

Such cancellation, waiver, credit or diminution may be granted for any period either before or after the certification of this Rule change or before or after any application or proper case being presented for such cancellation, waiver, credit or diminution.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President, two Divisional Branch Vice-Presidents, (which positions shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Tasmanian Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) In the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, three (3) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January. 2005 or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, two Divisional Branch Assistant Secretaries (one of whom shall be from the former Operative Plasterers and Plaster Workers Federation until 1997 and thereafter the position shall be designated Assistant Secretary (Plasterers), Divisional Branch Organisers, and Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Committee of Management.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the ACT Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) Victorian Divisional Branch

(a) In Victoria, the officers of the Divisional Branch shall be the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In addition to the officers identified in sub-paragraph (a) hereof, the officers of the Victorian Branch shall also include a Divisional Branch Senior Vice-President (FEDFA) and a Divisional Branch Assistant Secretary (FEDFA), both of which shall be paid, full-time positions, and a Divisional Branch Vice-President (FEDFA), which shall be an honorary position.

(c) Those officers referred to in sub-paragraph (b) hereof shall be occupied for the duration or balance of the 2004-2008 term subsequent to the certification of this sub-rule, in accordance with sub-rule 38(ee) of these Divisional Rules. After the conclusion of the 2004-2008 term these offices shall be filled by election in the normal way.

(vii) The officers of the South Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the South Australia Divisional Branch shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(viii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) during the period of 12 months immediately preceding the calling of nominations was not unfinancial for a period longer than 3 months

(C) has been a financial member of the Divisional Branch for the continuous period specified in the scale in sub-rule (a)(vii) herein immediately preceding the calling of nominations and

(D) was, for not less than three quarters of the period of time from the date of certification of this sub-rule (or in the case of any amendments thereto, from the date of certification of such amendments) until the calling of nominations, or a total period of 9 months during the period of twelve months immediately preceding the calling of nominations, whichever is the lesser:

(i) employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch;

(ii) unemployed on account of illness, incapacity or inability to obtain employment; or

(iii) engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto

may nominate for such positions according to that scale.

(ii) deleted

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(v) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(vi) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vii) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary)
Divisional Branch Secretary/Treasurer)
Divisional Branch Assistant Secretary) 3 years'

Divisional Branch President Divisional Branch Senior Vice- President and Vice President	) financial) membership
Divisional Branch Delegate to Divisional Conference	))
Divisional Branch Management	)
Committee Member District Secretary/Organiser Organiser	) 1 year's) financial) membership
Divisional Branch Councillor, representatives	) financial) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the

Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled

by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

(ee) The holders of the offices in the Victorian FEDFA Divisional Branch identified under the heading ‘FEDFA Offices’ in the table set out below, elected in the 2004 elections, shall, upon the merger

of the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch referred to in paragraph 18(e)(ii) of these Divisional Rules, thereupon cease to occupy any office in the Victorian FEDFA Divisional Branch, and shall thereupon occupy the corresponding offices in the merged branch identified under the heading 'Merged Branch Offices' in the table set out below.

FEDFA Offices	Merged Branch Offices
Branch President	Branch Senior Vice President (FEDFA)
Branch Secretary	Branch Assistant Secretary (FEDFA)
Branch Assistant Secretary	Branch Vice-President (FEDFA)
Branch Vice President	Organiser
Organisers	Organisers
Member of Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Organisers' Representative on Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Member of Divisional Branch Council	Member of Divisional Branch Council

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior

to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	2000 - 2011 Inclusive 2014 - 2077 Inclusive 2079 - 2097 Inclusive 2099 - 2127 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive 2174 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2558 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2784 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2280 - 2287 Inclusive

	2289 - 2295 Inclusive 2297 - 2307 Inclusive 2314 - 2315 2320 - 2323 Inclusive 2325 - 2327 Inclusive 2330 - 2331 2334 - 2335 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2540 - 2541 2574 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii) (A) In Queensland the State Management Committee of the Construction Workers Divisional Branch shall consist of twenty-one (21) members, including the Divisional Branch President (which position shall be honorary), Divisional Branch Secretary and three (3) Divisional Branch Assistant Secretaries. Each Divisional Branch Assistant Secretary shall be elected by and from those members who are eligible for membership of the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii); National Rule 2(A)(b) and National Rule 2(E) respectively. Provided however that in the event that the Assistant Secretary elected by and from the members eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii) is a plasterer, that person shall become Assistant Secretary (Plasterer) of the Divisional Branch. The Divisional Branch Secretary and the Divisional Branch President (Honorary) shall be elected by and from all members of the Divisional Branch who are eligible to nominate and vote. There shall be a further sixteen (16) members on the State Management Committee who shall be elected as follows;

(i) ten (10) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2 (A)(a)(i) and (ii);

(ii) two (2) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(A)(b);

(iii) five (5) Management Committee members elected by and from those eligible for membership by virtue of National Rule 2(E)

subject to the proviso relating to Divisional Branch President, as set out hereunder:

Provided that the number of Management Committee members elected from one of the above subgroups shall be reduced by one. The subgroup to reduced shall be that which corresponds to the eligibility of the Divisional Branch President.

Further provided that the Divisional Branch Management Committee shall elect from its members three (3) Divisional Branch Vice-Presidents and one of each of the Divisional Branch Vice-Presidents shall be elected from representatives of each of the categories of members referred to in this sub-paragraph.

(B) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule B) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Management Committee shall elect from its members 3 Divisional Branch Vice Presidents.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules,

determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

(C) In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia

On and from the date of certification of this sub-rule and until 2 January 2001, in Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Divisional Branch Council members:

Peter Ballard
Peter Delaney
Kevin Ennor
Steve Evans
James Fox
Mark Hudston
Tony Kelly
Dave King
Ron Kinney
Tony Lovett
Peter McGraham
Kevin McGuire
Roy McIlwaine
Mick McMahon
Terry McParland
Peter Morrison
Graham Pallot
Daron Smith
Bob Wade
Paul Wrzos

On and from 2 January 2001 the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(iv) Victoria

(a) In Victoria, from the date of the certification of this sub-rule, and for the balance of the 2004-2008 term of office, the members of the Divisional Branch Council shall consist of

(A) All of those persons who were elected as members of the Divisional Branch Council of the Victorian Building Unions Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule; plus

(B) All of those persons who were elected as members of the Divisional Branch Council of the Victorian FEDFA Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule;

(b) On and from the elections for members of the Divisional Branch Council to be held in 2008, the members of the Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with sub-rule (c) hereof.

(c) The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

(d) The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "

Geelong	3211 - 3289 Inclusive 3292 - 3316 " 3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive 3317 - 3319 " 3342 - 3424 " 3444 - 3461 " 3464 - 3599 "
Northern Victoria	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive 3921 - 3925 " 3945 - 3971 " 3979 3984 - 3999 Inclusive

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 25 other members consisting of 3 members eligible pursuant to National Rule 2(E), 9 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer. Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25 and 9 in the immediately preceding sentence shall be read as 26 and 10 respectively.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 14 other members, consisting of 3 carpenters, 3 builders labourers, 3 FEDFA (ie those eligible for membership pursuant to National Rule 2(E)), and 2 members from the combined classifications of bricklayer, plasterer and painter together with three other members of the Divisional Branch engaged in any off-site fixed establishment in the State of Tasmania.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in Tasmania the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those

eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a) In the Construction Workers Divisional Branch in Queensland, there shall be elected by and from the members of the Queensland Divisional Branch Management Committee as set out in Rule 40 hereof a Divisional Branch Executive of not less than 6 members including the Divisional Branch President and Divisional Branch Secretary.

Such election shall be conducted, the necessary changes being made in accordance with Rule 9 of the Divisional Rules.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in the first, fourth and fifth paragraph in this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

On and from 2 January, 1997 in the Queensland Construction Workers Divisional Branch the Divisional Branch Executive shall consist of eight (8) members elected by and from the Divisional Branch Management Committee including the Divisional Branch President (Honorary), Divisional Branch Secretary and the three (3) Divisional Branch Assistant Secretaries and three (3) other Executive members who are not full-time officials. Divisional Branch Executive members who are not otherwise full-time officers of the Divisional Branch shall be elected from those members of the Divisional Branch Management Committee who are eligible for membership of the Union, the Division and the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii), National Rule 2(A)(b) and National Rule 2(E) and at least one member eligible in accordance with each of the aforementioned sub-rules shall occupy a position on the Divisional Branch Executive other than those occupied by the Divisional Branch Secretary and Divisional Branch Assistant Secretaries.

On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Secretary;

C. all the Divisional Branch Assistant Secretaries; and

D. 3 members elected by and from the Divisional Branch Management Committee, 1 of whom is eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii); 1 of whom is eligible for membership pursuant to National Rule 2(A)(b); and 1 of whom is eligible for membership pursuant to National Rule 2(E).

(b) Without affecting the term of office of persons holding office as Divisional Branch Executive members immediately prior to the date of certification of this sub-rule, the Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall, on and from 2 January, 1997 or the declaration of the election in 1996, whichever is the later, consist of the Divisional Branch

President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), 2 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, 2 Divisional Branch Assistant Secretaries (including Assistant Secretary (Plasterer)) and eleven other members. Provided however that there shall be at least 1 painter, 1 FEDFA (ie person eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and 1 other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in the Australian Capital Territory the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) Victoria

(a) In Victoria, from the date of the certification of this sub-rule, and for the balance of the 2004-2008 term of office, the members of the Divisional Branch Management Committee shall consist of

(i) all of the persons who were elected as members of the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule; plus

(ii) all of the persons who were elected as members of the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule.

(b) On and from the elections for members of the Divisional Branch Management Committee to be held for Victoria in 2008, the members of the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the 3 Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler

attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tillers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vii) In South Australia the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, three (3) Divisional Branch Management Committee members and three (3) Organisers (one of whom shall represent members eligible for membership of the former Construction Labourers Divisional Branch on the Divisional Branch Management Committee and one of whom shall represent members eligible for membership of the former Construction Workers Divisional Branch, on the Divisional Branch Management Committee).

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in South Australia the Divisional Branch Management Committee shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the

Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of Awards and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional

Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA)

(i) In the Victorian Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional

Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA).

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch

Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victorian Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria, the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria, the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these

rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER AND SENIOR VICE-PRESIDENT (SOUTH AUSTRALIA)

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the South Australian Divisional Branch the Divisional Branch Senior Vice President shall be a full time position. He/she shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President.

The Divisional Branch Senior Vice President shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall work under the direction of the Divisional Branch Secretary. He/she shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

48B DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY(FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any

other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and shall place the number 2,3,4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters; preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES

70 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division to which all members who are

eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia, together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) The officers of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.) (Honorary).

(ii) deleted

(iii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

(iv) deleted

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch Management Committee on a quota of one additional Management Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

In the absence of the Industry Divisional Branch President the Industry Divisional Branch Management Committee shall elect from amongst its members a person to chair the meeting.

74 - SUB-BRANCH RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) A capitation fee shall be paid by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

79 - VARIATION TO RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Management Committee

80 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

81 - DISSOLUTION OF BRANCH

(a) The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Industry Divisional Branch members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch, to close down or otherwise restructure the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch is dissolved, members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

82 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

83 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

84 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall be elected by and from all members of the Industry Divisional Branch.

(b) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

(c) Each of the Industry Divisional Branch Assistant Secretaries and Management Committee members shall be elected by and from those members in each of the corresponding states for which such positions exist.

END OF RULES

[105N-BWIU: Incorporates alterations of 27/12/2006 in matter R2006/383]

I CERTIFY under section 161 of Schedule 1 of the Workplace Relations Act 1996 that the pages herein numbered 1 to 77 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member in the States and Territory of Queensland, New South Wales, South Australia, The Australian Capital Territory, Northern Territory, Tasmania, Victoria, and Western Australia, who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“UNFINANCIAL DIVISIONAL BRANCH” shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for The Building Workers' Industrial Union of Australia (or any branch thereof) or used by or for The Operative Plasterers and Plaster Workers' Federation of Australia (or any branch thereof) or Federated Engine Drivers and Firemen's Association of Australasia (or any Branch thereof) any other Union (or branch thereof) which has amalgamated with this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the National Building and Construction Industry Award 1990 or any award of the Australian Industrial Relations Commission replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the Australian Industrial Relations Commission.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5 and/or 6, be entitled to all the benefits of membership.

2. Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for a period or amount arising before or after the certification of this rule change for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

   (a) absence from Australia;

   (b) inability to carry on a member's vocation or calling through illness or injury;

   (c) unemployment

   (d) without being limited by any of the foregoing, any other hardship, or prejudice or disadvantage;

   (e) periods on workers' compensations or on any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

   (f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Further provided that the former members of the Federal Council of the Operative Painters and Decorators Union shall, upon amalgamation, be and remain, until the general election, members of the Divisional Conference. Such persons shall remain delegates to the Divisional Conference until 2 January 1997. Thereafter, any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, until the declaration of the election in 2004 only, be, by virtue of the holding of such office, a member of the Divisional Conference. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Conference.

Further provided that those persons from the former Construction Labourers, Plasterers and Painters and the Construction Workers Divisional Branches in Western Australia who were Divisional Branch Delegates to Divisional Conference immediately prior to the integration of those Divisional Branches occurring, shall be members of the Divisional Conference until 2 January, 2001.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(a) Provided however that, notwithstanding any other rule to the contrary, if a delegate of the NSW Divisional Branch to Divisional Conference elected in the 2004 elections dies or resigns or otherwise ceases to be a delegate, the vacancy in that position shall not be filled if the result of it being filled is that the number of delegates of the NSW Divisional Branch to Divisional Conference exceeds 13, and instead the position shall, by operation of this sub-rule, be abolished.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victorian Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victorian Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victorian Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) The expenses of delegates and Divisional Officers shall be paid by the Divisional Executive as follows: First class train fare with sleeper or, alternatively, plane fare. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held not later than December 31, 1993 and biennially thereafter at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the

date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, telegraphic, facsimile and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, as the case may be, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

For the purposes of this sub-paragraph, any reference to a "matter or matters" shall be taken as a reference to a matter or matters raised with the Divisional Executive before or after the date upon which this sub-paragraph takes effect.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and

elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

Further, the Victorian Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, only until the declaration of the election in 2004, be a member of the Divisional Executive. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a

notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

(b) deleted

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference

delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the

Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the

Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter or telegram or telex or facsimile or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or

Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the clerical, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary that is not the designated Divisional Assistant Secretary in the case of the incumbent as at the date of certification of this rule amendment, may revert to an honorary office with the consent of that incumbent. Thereafter the office may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional President or the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in the States of Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any

other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2009. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January 2008.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

Further provided that on and from 2 January 2005 or the declaration of the election in 2004 whichever is the later, this sub-rule shall have no application to the South Australian Divisional Branch.

(vi) Any reference in sub-paragraph (c) (iv and v) herein to the Building Unions Division, shall where the context permits, be taken to be a reference to the Construction and General Division.

(d) On and from the date of certification of this sub-rule, and until 2 January , 2001, the Officers of the CFMEU, Construction and General Division, Western Australia Divisional Branch shall be :-

Divisional Branch President	Kevin McParland
Divisional Branch Senior Vice President	Dave Simpson
Divisional Branch Vice President	Les Wellington
Divisional Branch Secretary	Kevin Reynolds
Divisional Branch Assistant Secretaries	Joe McDonald
	Kim Young
Divisional Branch Treasurer	Robert Olsen
Divisional Branch Trustees	Ian Hawkens
	Jim Reid
	Alan Williams
Divisional Branch Management Committee	Robert Manwaring
	Bernie Musial
	Brian Churchill
	Glen Hawkins
	Mick Holly
Divisional Branch Organisers	Mark Hudston
	Daron Smith
	Kevin Ennor
	Graham Pallot
	Dave King
	Jim Reid

(e) Victoria

(i) In the State of Victoria the branch shall be called the Victorian Divisional Branch, and it shall consist of all persons in the State of Victoria who are eligible to be members of the Division.

(ii) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(iii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(f) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 361 Kent Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $20.00 and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $20.00.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $20.00 in any calendar year be imposed on any member or members.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, telegram, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland and Victoria in accordance with Rule 18 of these rules.

(c) There shall be an Industry Divisional Branch to be known as the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch. Sub-Branches of that Industry Divisional Branch shall be known as "X (Brick, Tile, Pottery, Construction Materials and Related Products) Sub-Branch" where X is the State or Territory concerned.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that in Western Australia membership shall be determined in accordance with Rule 18 herein and further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall be and remain members of the Australian Capital Territory Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where

election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their

apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Divisional Branch

(a) The record of members of the Victorian Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victorian Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victorian Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Divisional Branch Management Committee to state in writing the reasons why he or she

should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Divisional Branch accordingly.

(e) The Victorian Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victorian Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) ACT Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the ACT Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the National Building and Construction Industry Award 1990 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Notwithstanding the foregoing, a member of the Victorian Divisional Branch who was a member of the Operative Painters and Decorators Union on 25 March 1993 and had paid his/her membership contribution up to 28 February 1994 shall be deemed, for all purposes, to be financial

for the period 1 March 1994 to 30 September 1994 on the payment by that member of his/her membership contribution calculated in accordance with this Rule for the half year commencing on 1 April 1994.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with an employer (including any Government Department) or any Bank, Building Society, Credit Union or other financial institution for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from the wages or monies payable to the member or from any account maintained by the member as the case may be, and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule; provided that the member was financial immediately prior to arranging such deduction.

Further provided that in the case of the Queensland Construction Workers Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or on an injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $2 per copy.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b) A member who has been financial for 12 months at the time of becoming unemployed or unfinancial for a period of more than three months through sickness or other reasonable cause may have any contribution, fee, levy or other arrear cancelled, waived, credited or otherwise diminished in whole or in part if, in the opinion and absolute discretion of the Divisional Branch Management Committee, such a course of conduct is appropriate. Provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

Any credit, cancellation, waiver or diminution so granted by the Divisional Branch Management Committee shall be deducted from the amount of contributions, fees, levies or arrears due and payable by the member on the records of the Union.

Such cancellation, waiver, credit or diminution may be granted for any period either before or after the certification of this Rule change or before or after any application or proper case being presented for such cancellation, waiver, credit or diminution.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President, two Divisional Branch Vice-Presidents, (which positions shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Tasmanian Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) In the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, three (3) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January. 2005 or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, two Divisional Branch Assistant Secretaries (one of whom shall be from the former Operative Plasterers and Plaster Workers Federation until 1997 and thereafter the position shall be designated Assistant Secretary (Plasterers), Divisional Branch Organisers, and Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Committee of Management.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the ACT Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) Victorian Divisional Branch

(a) In Victoria, the officers of the Divisional Branch shall be the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In addition to the officers identified in sub-paragraph (a) hereof, the officers of the Victorian Branch shall also include a Divisional Branch Senior Vice-President (FEDFA) and a Divisional Branch Assistant Secretary (FEDFA), both of which shall be paid, full-time positions, and a Divisional Branch Vice-President (FEDFA), which shall be an honorary position.

(c) Those officers referred to in sub-paragraph (b) hereof shall be occupied for the duration or balance of the 2004-2008 term subsequent to the certification of this sub-rule, in accordance with sub-rule 38(ee) of these Divisional Rules. After the conclusion of the 2004-2008 term these offices shall be filled by election in the normal way.

(vii) The officers of the South Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the South Australia Divisional Branch shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(viii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) during the period of 12 months immediately preceding the calling of nominations was not unfinancial for a period longer than 3 months

(C) has been a financial member of the Divisional Branch for the continuous period specified in the scale in sub-rule (a)(vii) herein immediately preceding the calling of nominations and

(D) was, for not less than three quarters of the period of time from the date of certification of this sub-rule (or in the case of any amendments thereto, from the date of certification of such amendments) until the calling of nominations, or a total period of 9 months during the period of twelve months immediately preceding the calling of nominations, whichever is the lesser:

(i) employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch;

(ii) unemployed on account of illness, incapacity or inability to obtain employment; or

(iii) engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto

may nominate for such positions according to that scale.

(ii) deleted

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(v) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(vi) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vii) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary)
Divisional Branch Secretary/Treasurer)
Divisional Branch Assistant Secretary) 3 years'

Divisional Branch President Divisional Branch Senior Vice- President and Vice President	) financial) membership
Divisional Branch Delegate to Divisional Conference	))
Divisional Branch Management	)
Committee Member District Secretary/Organiser Organiser	) 1 year's) financial) membership
Divisional Branch Councillor, representatives	) financial) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the

Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled

by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

(ee) The holders of the offices in the Victorian FEDFA Divisional Branch identified under the heading 'FEDFA Offices' in the table set out below, elected in the 2004 elections, shall, upon the merger

of the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch referred to in paragraph 18(e)(ii) of these Divisional Rules, thereupon cease to occupy any office in the Victorian FEDFA Divisional Branch, and shall thereupon occupy the corresponding offices in the merged branch identified under the heading 'Merged Branch Offices' in the table set out below.

FEDFA Offices	Merged Branch Offices
Branch President	Branch Senior Vice President (FEDFA)
Branch Secretary	Branch Assistant Secretary (FEDFA)
Branch Assistant Secretary	Branch Vice-President (FEDFA)
Branch Vice President	Organiser
Organisers	Organisers
Member of Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Organisers' Representative on Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Member of Divisional Branch Council	Member of Divisional Branch Council

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior

to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	2000 - 2011 Inclusive 2014 - 2077 Inclusive 2079 - 2097 Inclusive 2099 - 2127 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive 2174 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2558 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2784 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2280 - 2287 Inclusive

	2289 - 2295 Inclusive 2297 - 2307 Inclusive 2314 - 2315 2320 - 2323 Inclusive 2325 - 2327 Inclusive 2330 - 2331 2334 - 2335 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2540 - 2541 2574 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii)(A) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule A) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Management Committee shall elect from its members 3 Divisional Branch Vice Presidents.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Management Committee may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(B)In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia

On and from the date of certification of this sub-rule and until 2 January 2001, in Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Divisional Branch Council members:

Peter Ballard
Peter Delaney
Kevin Ennor
Steve Evans
James Fox

Mark Hudston
Tony Kelly
Dave King
Ron Kinney
Tony Lovett
Peter McGraham
Kevin McGuire
Roy McIlwaine
Mick McMahon
Terry McParland
Peter Morrison
Graham Pallot
Daron Smith
Bob Wade
Paul Wrzos

On and from 2 January 2001 the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(iv) Victoria

(a) In Victoria, from the date of the certification of this sub-rule, and for the balance of the 2004-2008 term of office, the members of the Divisional Branch Council shall consist of

(A) All of those persons who were elected as members of the Divisional Branch Council of the Victorian Building Unions Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule; plus
(B) All of those persons who were elected as members of the Divisional Branch Council of the Victorian FEDFA Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule;

(b) On and from the elections for members of the Divisional Branch Council to be held in 2008, the members of the Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with sub-rule (c) hereof.

(c) The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

(d) The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3461 "
	3464 - 3599 "
Northern Victoria	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 25 other members consisting of 3 members eligible pursuant to National Rule 2(E), 9 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer. Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25 and 9 in the immediately preceding sentence shall be read as 26 and 10 respectively.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 14 other members, consisting of 3 carpenters, 3 builders labourers, 3 FEDFA (ie those eligible for membership pursuant to National Rule 2(E)), and 2 members from the combined classifications of bricklayer, plasterer and painter together with three other members of the Divisional Branch engaged in any off-site fixed establishment in the State of Tasmania.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in Tasmania the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a) In the Construction Workers Divisional Branch in Queensland, there shall be elected by and from the members of the Queensland Divisional Branch Management Committee as set out in Rule 40 hereof a Divisional Branch Executive of not less than 6 members including the Divisional Branch President and Divisional Branch Secretary.

Such election shall be conducted, the necessary changes being made in accordance with Rule 9 of the Divisional Rules.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in the first, fourth and fifth paragraph in this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

On and from 2 January, 1997 in the Queensland Construction Workers Divisional Branch the Divisional Branch Executive shall consist of eight (8) members elected

by and from the Divisional Branch Management Committee including the Divisional Branch President (Honorary), Divisional Branch Secretary and the three (3) Divisional Branch Assistant Secretaries and three (3) other Executive members who are not full-time officials. Divisional Branch Executive members who are not otherwise full-time officers of the Divisional Branch shall be elected from those members of the Divisional Branch Management Committee who are eligible for membership of the Union, the Division and the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii), National Rule 2(A)(b) and National Rule 2(E) and at least one member eligible in accordance with each of the aforementioned sub-rules shall occupy a position on the Divisional Branch Executive other than those occupied by the Divisional Branch Secretary and Divisional Branch Assistant Secretaries.

On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Secretary;

C. all the Divisional Branch Assistant Secretaries; and

D. 3 members elected by and from the Divisional Branch Management Committee, 1 of whom is eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii); 1 of whom is eligible for membership pursuant to National Rule 2(A)(b); and 1 of whom is eligible for membership pursuant to National Rule 2(E).

(b) Without affecting the term of office of persons holding office as Divisional Branch Executive members immediately prior to the date of certification of this sub-rule, the Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall, on and from 2 January, 1997 or the declaration of the election in 1996, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), 2 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, 2 Divisional Branch Assistant Secretaries (including Assistant Secretary (Plasterer)) and eleven other members. Provided however that there shall be at least 1 painter, 1 FEDFA (ie person eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and 1 other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in the Australian Capital Territory the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one

painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) Victoria

(a) In Victoria, from the date of the certification of this sub-rule, and for the balance of the 2004-2008 term of office, the members of the Divisional Branch Management Committee shall consist of

(i) all of the persons who were elected as members of the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule; plus

(ii) all of the persons who were elected as members of the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule.

(b) On and from the elections for members of the Divisional Branch Management Committee to be held for Victoria in 2008, the members of the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the 3 Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tillers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vii) In South Australia the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, three (3) Divisional Branch Management Committee members and three (3) Organisers (one of whom shall represent members eligible for membership of the former Construction Labourers Divisional Branch on the Divisional Branch Management Committee and one of whom shall represent members eligible for membership of the former Construction Workers Divisional Branch, on the Divisional Branch Management Committee).

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in South Australia the Divisional Branch Management Committee shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional

Branch Senior Vice-President, the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of Awards and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA)

(i) In the Victorian Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA).

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victorian Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional

Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria, the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria, the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch

Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER AND SENIOR VICE-PRESIDENT (SOUTH AUSTRALIA)

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the South Australian Divisional Branch the Divisional Branch Senior Vice President shall be a full time position. He/she shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President.

The Divisional Branch Senior Vice President shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall work under the direction of the Divisional Branch Secretary. He/she shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

48B DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY(FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and shall place the number 2,3,4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters; preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as

may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination

and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES

70 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division to which all members who are eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia, together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) The officers of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.) (Honorary).

(ii) deleted

(iii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

(iv) deleted

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch Management Committee on a quota of one additional Management Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

In the absence of the Industry Divisional Branch President the Industry Divisional Branch Management Committee shall elect from amongst its members a person to chair the meeting.

74 - SUB-BRANCH RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) A capitation fee shall be paid by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day

before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

79 - VARIATION TO RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Management Committee

80 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

81 - DISSOLUTION OF BRANCH

(a) The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Industry Divisional Branch members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch, to close down or otherwise restructure the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch is dissolved, members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

82 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

83 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

84 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall be elected by and from all members of the Industry Divisional Branch.

(b) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

(c) Each of the Industry Divisional Branch Assistant Secretaries and Management Committee members shall be elected by and from those members in each of the corresponding states for which such positions exist.

END OF RULES

[105N-BWIU: Incorporates alterations of 25/09/2007 in matter R2007/313]

I CERTIFY under section 161 of Schedule 1 of the Workplace Relations Act 1996 that the pages herein numbered 1 to 77 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member in the States and Territory of Queensland, New South Wales, South Australia, The Australian Capital Territory, Northern Territory, Tasmania, Victoria, and Western Australia, who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for The Building Workers' Industrial Union of Australia (or any branch thereof) or used by or for The Operative Plasterers and Plaster Workers' Federation of Australia (or any branch thereof) or Federated Engine Drivers and Firemen's Association of Australasia (or any Branch thereof) any other Union (or branch thereof) which has amalgamated with this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the National Building and Construction Industry Award 1990 or any award of the Australian Industrial Relations Commission replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the Australian Industrial Relations Commission.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5 and/or 6, be entitled to all the benefits of membership.

2. Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for a period or amount arising before or after the certification of this rule change for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

   (a) absence from Australia;

   (b) inability to carry on a member's vocation or calling through illness or injury;

   (c) unemployment

   (d) without being limited by any of the foregoing, any other hardship, or prejudice or disadvantage;

   (e) periods on workers' compensations or on any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

   (f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Further provided that the former members of the Federal Council of the Operative Painters and Decorators Union shall, upon amalgamation, be and remain, until the general election, members of the Divisional Conference. Such persons shall remain delegates to the Divisional Conference until 2 January 1997. Thereafter, any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, until the declaration of the election in 2004 only, be, by virtue of the holding of such office, a member of the Divisional Conference. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Conference.

Further provided that those persons from the former Construction Labourers, Plasterers and Painters and the Construction Workers Divisional Branches in Western Australia who were Divisional Branch Delegates to Divisional Conference immediately prior to the integration of those Divisional Branches occurring, shall be members of the Divisional Conference until 2 January, 2001.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(a) Provided however that, notwithstanding any other rule to the contrary, if a delegate of the NSW Divisional Branch to Divisional Conference elected in the 2004 elections dies or resigns or otherwise ceases to be a delegate, the vacancy in that position shall not be filled if the result of it being filled is that the number of delegates of the NSW Divisional Branch to Divisional Conference exceeds 13, and instead the position shall, by operation of this sub-rule, be abolished.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victorian Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victorian Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victorian Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) The expenses of delegates and Divisional Officers shall be paid by the Divisional Executive as follows: First class train fare with sleeper or, alternatively, plane fare. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held not later than December 31, 1993 and biennially thereafter at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the

date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, telegraphic, facsimile and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, as the case may be, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

For the purposes of this sub-paragraph, any reference to a "matter or matters" shall be taken as a reference to a matter or matters raised with the Divisional Executive before or after the date upon which this sub-paragraph takes effect.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and

elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

Further, the Victorian Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

Further, and until the expiry of the term of office of the Divisional Executive members in 2009 only, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Vice-President (WA Divisional Branch) and one representative from each of the NSW, Queensland Construction Workers and Victorian Divisional Branches. The Divisional Vice-President (WA Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Western Australian Divisional Branch.

Each of the three representatives from the NSW, Queensland Construction Workers and Victorian Divisional Branches shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches, provided however that only persons who are eligible for membership of the union under Rule 2(E) of the National Rules shall be eligible for nomination and election to the three such positions.

The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, only until the declaration of the election in 2004, be a member of the Divisional Executive. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

   Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

   The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

   (a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

   (b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

   In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

   (i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

   (ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

   (iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

   (iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

   The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

   The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

   Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

    (b) deleted

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter or telegram or telex or facsimile or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the clerical, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary that is not the designated Divisional Assistant Secretary in the case of the incumbent as at the date of certification of this rule amendment, may revert to an honorary office with the consent of that incumbent. Thereafter the office may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional President or the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in the States of Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2009. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January 2008.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

Further provided that on and from 2 January 2005 or the declaration of the election in 2004 whichever is the later, this sub-rule shall have no application to the South Australian Divisional Branch.

(vi) Any reference in sub-paragraph (c) (iv and v) herein to the Building Unions Division, shall where the context permits, be taken to be a reference to the Construction and General Division.

(d) On and from the date of certification of this sub-rule, and until 2 January , 2001, the Officers of the CFMEU, Construction and General Division, Western Australia Divisional Branch shall be :-

Divisional Branch President	Kevin McParland
Divisional Branch Senior Vice President	Dave Simpson
Divisional Branch Vice President	Les Wellington
Divisional Branch Secretary	Kevin Reynolds
Divisional Branch Assistant Secretaries	Joe McDonald
	Kim Young
Divisional Branch Treasurer	Robert Olsen
Divisional Branch Trustees	Ian Hawkens
	Jim Reid
	Alan Williams
Divisional Branch Management Committee	Robert Manwaring
	Bernie Musial
	Brian Churchill
	Glen Hawkins
	Mick Holly
Divisional Branch Organisers	Mark Hudston
	Daron Smith
	Kevin Ennor
	Graham Pallot
	Dave King
	Jim Reid

(e) Victoria

(i) In the State of Victoria the branch shall be called the Victorian Divisional Branch, and it shall consist of all persons in the State of Victoria who are eligible to be members of the Division.

(ii) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(iii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(f) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 361 Kent Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $20.00 and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $20.00.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $20.00 in any calendar year be imposed on any member or members.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, telegram, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland and Victoria in accordance with Rule 18 of these rules.

(c) There shall be an Industry Divisional Branch to be known as the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch. Sub-Branches of that Industry Divisional Branch shall be known as "X (Brick, Tile, Pottery, Construction Materials and Related Products) Sub-Branch" where X is the State or Territory concerned.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that in Western Australia membership shall be determined in accordance with Rule 18 herein and further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall be and remain members of the Australian Capital Territory Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where

election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their

apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Divisional Branch

(a) The record of members of the Victorian Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victorian Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victorian Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Divisional Branch accordingly.

(e) The Victorian Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victorian Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) ACT Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the ACT Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the National Building and Construction Industry Award 1990 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Notwithstanding the foregoing, a member of the Victorian Divisional Branch who was a member of the Operative Painters and Decorators Union on 25 March 1993 and had paid his/her membership contribution up to 28 February 1994 shall be deemed, for all purposes, to be financial

for the period 1 March 1994 to 30 September 1994 on the payment by that member of his/her membership contribution calculated in accordance with this Rule for the half year commencing on 1 April 1994.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with an employer (including any Government Department) or any Bank, Building Society, Credit Union or other financial institution for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from the wages or monies payable to the member or from any account maintained by the member as the case may be, and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule; provided that the member was financial immediately prior to arranging such deduction.

Further provided that in the case of the Queensland Construction Workers Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or on an injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $2 per copy.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b) A member who has been financial for 12 months at the time of becoming unemployed or unfinancial for a period of more than three months through sickness or other reasonable cause may have any contribution, fee, levy or other arrear cancelled, waived, credited or otherwise diminished in whole or in part if, in the opinion and absolute discretion of the Divisional Branch Management Committee, such a course of conduct is appropriate. Provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

Any credit, cancellation, waiver or diminution so granted by the Divisional Branch Management Committee shall be deducted from the amount of contributions, fees, levies or arrears due and payable by the member on the records of the Union.

Such cancellation, waiver, credit or diminution may be granted for any period either before or after the certification of this Rule change or before or after any application or proper case being presented for such cancellation, waiver, credit or diminution.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President, two Divisional Branch Vice-Presidents, (which positions shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Tasmanian Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) In the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, three (3) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland

Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January. 2005 or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, two Divisional Branch Assistant Secretaries (one of whom shall be from the former Operative Plasterers and Plaster Workers Federation until 1997 and thereafter the position shall be designated Assistant Secretary (Plasterers), Divisional Branch Organisers, and Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Committee of Management.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the ACT Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) Victorian Divisional Branch

(a) In Victoria, the officers of the Divisional Branch shall be the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In addition to the officers identified in sub-paragraph (a) hereof, the officers of the Victorian Branch shall also include a Divisional Branch Senior Vice-President (FEDFA) and a Divisional Branch Assistant Secretary (FEDFA), both of which shall be paid, full-time positions, and a Divisional Branch Vice-President (FEDFA), which shall be an honorary position.

(c) Those officers referred to in sub-paragraph (b) hereof shall be occupied for the duration or balance of the 2004-2008 term subsequent to the certification of this sub-rule, in accordance with sub-rule 38(ee) of these Divisional Rules. After the conclusion of the 2004-2008 term these offices shall be filled by election in the normal way.

(vii) The officers of the South Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the South Australia Divisional Branch shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(viii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) during the period of 12 months immediately preceding the calling of nominations was not unfinancial for a period longer than 3 months

(C) has been a financial member of the Divisional Branch for the continuous period specified in the scale in sub-rule (a)(vii) herein immediately preceding the calling of nominations and

(D) was, for not less than three quarters of the period of time from the date of certification of this sub-rule (or in the case of any amendments thereto, from the date of certification of such amendments) until the calling of nominations, or a total period of 9 months during the period of twelve months immediately preceding the calling of nominations, whichever is the lesser:

(i) employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch;

(ii) unemployed on account of illness, incapacity or inability to obtain employment; or

(iii) engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto

may nominate for such positions according to that scale.

(ii) deleted

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(v) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(vi) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vii) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary)
Divisional Branch Secretary/Treasurer)
Divisional Branch Assistant Secretary) 3 years'

Divisional Branch President Divisional Branch Senior Vice- President and Vice President	) financial) membership
Divisional Branch Delegate to Divisional Conference	))
Divisional Branch Management	)
Committee Member District Secretary/Organiser Organiser	) 1 year's) financial) membership
Divisional Branch Councillor, representatives	) financial) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

(ee) The holders of the offices in the Victorian FEDFA Divisional Branch identified under the heading ‘FEDFA Offices’ in the table set out below, elected in the 2004 elections, shall, upon the merger of the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch referred to in paragraph 18(e)(ii) of these Divisional Rules, thereupon cease to occupy any office in the Victorian FEDFA Divisional Branch, and shall thereupon occupy the corresponding offices in the merged branch identified under the heading ‘Merged Branch Offices’ in the table set out below.

FEDFA Offices	Merged Branch Offices

Branch President	Branch Senior Vice President (FEDFA)
Branch Secretary	Branch Assistant Secretary (FEDFA)
Branch Assistant Secretary	Branch Vice-President (FEDFA)
Branch Vice President	Organiser
Organisers	Organisers
Member of Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Organisers' Representative on Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Member of Divisional Branch Council	Member of Divisional Branch Council

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior

to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	2000 - 2011 Inclusive 2014 - 2077 Inclusive 2079 - 2097 Inclusive 2099 - 2127 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive 2174 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2558 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2784 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2280 - 2287 Inclusive

	2289 - 2295 Inclusive 2297 - 2307 Inclusive 2314 - 2315 2320 - 2323 Inclusive 2325 - 2327 Inclusive 2330 - 2331 2334 - 2335 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2540 - 2541 2574 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii)(A) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule A) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Management Committee shall elect from its members 3 Divisional Branch Vice Presidents.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Management Committee may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(B)In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia

On and from the date of certification of this sub-rule and until 2 January 2001, in Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Divisional Branch Council members:

Peter Ballard
Peter Delaney
Kevin Ennor
Steve Evans
James Fox

Mark Hudston
Tony Kelly
Dave King
Ron Kinney
Tony Lovett
Peter McGraham
Kevin McGuire
Roy McIlwaine
Mick McMahon
Terry McParland
Peter Morrison
Graham Pallot
Daron Smith
Bob Wade
Paul Wrzos

On and from 2 January 2001 the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(iv) Victoria

(a) In Victoria, from the date of the certification of this sub-rule, and for the balance of the 2004-2008 term of office, the members of the Divisional Branch Council shall consist of

(A) All of those persons who were elected as members of the Divisional Branch Council of the Victorian Building Unions Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule; plus
(B) All of those persons who were elected as members of the Divisional Branch Council of the Victorian FEDFA Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule;

(b) On and from the elections for members of the Divisional Branch Council to be held in 2008, the members of the Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with sub-rule (c) hereof.

(c) The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

(d) The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3461 "
	3464 - 3599 "
Northern Victoria	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 25 other members consisting of 3 members eligible pursuant to National Rule 2(E), 9 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer. Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25 and 9 in the immediately preceding sentence shall be read as 26 and 10 respectively.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 14 other members, consisting of 3 carpenters, 3 builders labourers, 3 FEDFA (ie those eligible for membership pursuant to National Rule 2(E)), and 2 members from the combined classifications of bricklayer, plasterer and painter together with three other members of the Divisional Branch engaged in any off-site fixed establishment in the State of Tasmania.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in Tasmania the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a) In the Construction Workers Divisional Branch in Queensland, there shall be elected by and from the members of the Queensland Divisional Branch Management Committee as set out in Rule 40 hereof a Divisional Branch Executive of not less than 6 members including the Divisional Branch President and Divisional Branch Secretary.

Such election shall be conducted, the necessary changes being made in accordance with Rule 9 of the Divisional Rules.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in the first, fourth and fifth paragraph in this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

On and from 2 January, 1997 in the Queensland Construction Workers Divisional Branch the Divisional Branch Executive shall consist of eight (8) members elected

by and from the Divisional Branch Management Committee including the Divisional Branch President (Honorary), Divisional Branch Secretary and the three (3) Divisional Branch Assistant Secretaries and three (3) other Executive members who are not full-time officials. Divisional Branch Executive members who are not otherwise full-time officers of the Divisional Branch shall be elected from those members of the Divisional Branch Management Committee who are eligible for membership of the Union, the Division and the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii), National Rule 2(A)(b) and National Rule 2(E) and at least one member eligible in accordance with each of the aforementioned sub-rules shall occupy a position on the Divisional Branch Executive other than those occupied by the Divisional Branch Secretary and Divisional Branch Assistant Secretaries.

On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Secretary;

C. all the Divisional Branch Assistant Secretaries; and

D. 3 members elected by and from the Divisional Branch Management Committee, 1 of whom is eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii); 1 of whom is eligible for membership pursuant to National Rule 2(A)(b); and 1 of whom is eligible for membership pursuant to National Rule 2(E).

(b) Without affecting the term of office of persons holding office as Divisional Branch Executive members immediately prior to the date of certification of this sub-rule, the Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall, on and from 2 January, 1997 or the declaration of the election in 1996, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), 2 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, 2 Divisional Branch Assistant Secretaries (including Assistant Secretary (Plasterer)) and eleven other members. Provided however that there shall be at least 1 painter, 1 FEDFA (ie person eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and 1 other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in the Australian Capital Territory the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one

painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) Victoria

(a) In Victoria, from the date of the certification of this sub-rule, and for the balance of the 2004-2008 term of office, the members of the Divisional Branch Management Committee shall consist of

(i) all of the persons who were elected as members of the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule; plus

(ii) all of the persons who were elected as members of the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule.

(b) On and from the elections for members of the Divisional Branch Management Committee to be held for Victoria in 2008, the members of the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the 3 Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tillers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vii) In South Australia the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, three (3) Divisional Branch Management Committee members and three (3) Organisers (one of whom shall represent members eligible for membership of the former Construction Labourers Divisional Branch on the Divisional Branch Management Committee and one of whom shall represent members eligible for membership of the former Construction Workers Divisional Branch, on the Divisional Branch Management Committee).

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in South Australia the Divisional Branch Management Committee shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional

Branch Senior Vice-President, the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of Awards and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA)

(i) In the Victorian Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA).

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victorian Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President

and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria, the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria, the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch

Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER AND SENIOR VICE-PRESIDENT (SOUTH AUSTRALIA)

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the South Australian Divisional Branch the Divisional Branch Senior Vice President shall be a full time position. He/she shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President.

The Divisional Branch Senior Vice President shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall work under the direction of the Divisional Branch Secretary. He/she shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

48B DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY(FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and shall place the number 2,3,4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters; preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as

may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination

and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES

70 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division to which all members who are eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia, together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) The officers of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.) (Honorary).

(ii) deleted

(iii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

(iv) deleted

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch Management Committee on a quota of one additional Management Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

In the absence of the Industry Divisional Branch President the Industry Divisional Branch Management Committee shall elect from amongst its members a person to chair the meeting.

74 - SUB-BRANCH RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) A capitation fee shall be paid by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day

before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

79 - VARIATION TO RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Management Committee

80 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

81 - DISSOLUTION OF BRANCH

(a) The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Industry Divisional Branch members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch, to close down or otherwise restructure the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch is dissolved, members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

82 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

83 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

84 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall be elected by and from all members of the Industry Divisional Branch.

(b) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

(c) Each of the Industry Divisional Branch Assistant Secretaries and Management Committee members shall be elected by and from those members in each of the corresponding states for which such positions exist.

END OF RULES

[105N-BWIU: Incorporates alterations of 19/03/2008 in matter R2008/221]

I CERTIFY under section 161 of Schedule 1 of the Workplace Relations Act 1996 that the pages herein numbered 1 to 77 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member in the States and Territory of Queensland, New South Wales, South Australia, The Australian Capital Territory, Northern Territory, Tasmania, Victoria, and Western Australia, who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for The Building Workers' Industrial Union of Australia (or any branch thereof) or used by or for The Operative Plasterers and Plaster Workers' Federation of Australia (or any branch thereof) or Federated Engine Drivers and Firemen's Association of Australasia (or any Branch thereof) any other Union (or branch thereof) which has amalgamated with this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the National Building and Construction Industry Award 1990 or any award of the Australian Industrial Relations Commission replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the Australian Industrial Relations Commission.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5 and/or 6, be entitled to all the benefits of membership.

2. Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for a period or amount arising before or after the certification of this rule change for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) without being limited by any of the foregoing, any other hardship, or prejudice or disadvantage;

(e) periods on workers' compensations or on any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Further provided that the former members of the Federal Council of the Operative Painters and Decorators Union shall, upon amalgamation, be and remain, until the general election, members of the Divisional Conference. Such persons shall remain delegates to the Divisional Conference until 2 January 1997. Thereafter, any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, until the declaration of the election in 2004 only, be, by virtue of the holding of such office, a member of the Divisional Conference. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Conference.

Further provided that those persons from the former Construction Labourers, Plasterers and Painters and the Construction Workers Divisional Branches in Western Australia who were Divisional Branch Delegates to Divisional Conference immediately prior to the integration of those Divisional Branches occurring, shall be members of the Divisional Conference until 2 January, 2001.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(a) Provided however that, notwithstanding any other rule to the contrary, if a delegate of the NSW Divisional Branch to Divisional Conference elected in the 2004 elections dies or resigns or otherwise ceases to be a delegate, the vacancy in that position shall not be filled if the result of it being filled is that the number of delegates of the NSW Divisional Branch to Divisional Conference exceeds 13, and instead the position shall, by operation of this sub-rule, be abolished.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victorian Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victorian Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victorian Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) The expenses of delegates and Divisional Officers shall be paid by the Divisional Executive as follows: First class train fare with sleeper or, alternatively, plane fare. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held not later than December 31, 1993 and biennially thereafter at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the

date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, telegraphic, facsimile and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, as the case may be, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

For the purposes of this sub-paragraph, any reference to a "matter or matters" shall be taken as a reference to a matter or matters raised with the Divisional Executive before or after the date upon which this sub-paragraph takes effect.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and

elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

Further, the Victorian Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

Further, and until the expiry of the term of office of the Divisional Executive members in 2009 only, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Vice-President (WA Divisional Branch) and one representative from each of the NSW, Queensland Construction Workers and Victorian Divisional Branches. The Divisional Vice-President (WA Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Western Australian Divisional Branch. Each of the three representatives from the NSW, Queensland Construction Workers and Victorian Divisional Branches shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches, provided however that only persons who are eligible for membership of the union under Rule 2(E) of the National Rules shall be eligible for nomination and election to the three such positions.

The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, only until the declaration of the election in 2004, be a member of the Divisional Executive. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

   Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

   The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

   (a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

   (b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

   In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

   (i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

   (ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

   (iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

   (iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President

shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

(b) deleted

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by

appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter or telegram or telex or facsimile or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the clerical, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary that is not the designated Divisional Assistant Secretary in the case of the incumbent as at the date of certification of this rule amendment, may revert to an honorary office with the consent of that incumbent. Thereafter the office may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional President or the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in the States of Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2009. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January 2008.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

Further provided that on and from 2 January 2005 or the declaration of the election in 2004 whichever is the later, this sub-rule shall have no application to the South Australian Divisional Branch.

(vi) Any reference in sub-paragraph (c) (iv and v) herein to the Building Unions Division, shall where the context permits, be taken to be a reference to the Construction and General Division.

(d) On and from the date of certification of this sub-rule, and until 2 January , 2001, the Officers of the CFMEU, Construction and General Division, Western Australia Divisional Branch shall be :-

Divisional Branch President	Kevin McParland
Divisional Branch Senior Vice President	Dave Simpson
Divisional Branch Vice President	Les Wellington
Divisional Branch Secretary	Kevin Reynolds
Divisional Branch Assistant Secretaries	Joe McDonald
	Kim Young
Divisional Branch Treasurer	Robert Olsen
Divisional Branch Trustees	Ian Hawkens
	Jim Reid
	Alan Williams
Divisional Branch Management Committee	Robert Manwaring
	Bernie Musial
	Brian Churchill
	Glen Hawkins
	Mick Holly
Divisional Branch Organisers	Mark Hudston
	Daron Smith
	Kevin Ennor
	Graham Pallot
	Dave King
	Jim Reid

(e) Victoria

(i) In the State of Victoria the branch shall be called the Victorian Divisional Branch, and it shall consist of all persons in the State of Victoria who are eligible to be members of the Division.

(ii) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(iii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(f) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 361 Kent Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $20.00 and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $20.00.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $20.00 in any calendar year be imposed on any member or members.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, telegram, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland and Victoria in accordance with Rule 18 of these rules.

(c) There shall be an Industry Divisional Branch to be known as the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch. Sub-Branches of that Industry Divisional Branch shall be known as "X (Brick, Tile, Pottery, Construction Materials and Related Products) Sub-Branch" where X is the State or Territory concerned.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that in Western Australia membership shall be determined in accordance with Rule 18 herein and further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall be and remain members of the Australian Capital Territory Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where

election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their

apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Divisional Branch

(a) The record of members of the Victorian Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victorian Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victorian Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Divisional Branch accordingly.

(e) The Victorian Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victorian Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) ACT Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the ACT Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the National Building and Construction Industry Award 1990 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Notwithstanding the foregoing, a member of the Victorian Divisional Branch who was a member of the Operative Painters and Decorators Union on 25 March 1993 and had paid his/her membership contribution up to 28 February 1994 shall be deemed, for all purposes, to be financial

for the period 1 March 1994 to 30 September 1994 on the payment by that member of his/her membership contribution calculated in accordance with this Rule for the half year commencing on 1 April 1994.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Further provided that in the case of the Queensland Construction Workers Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or on an injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $2 per copy.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b) A member who has been financial for 12 months at the time of becoming unemployed or unfinancial for a period of more than three months through sickness or other reasonable cause may have any contribution, fee, levy or other arrear cancelled, waived, credited or otherwise diminished in whole or in part if, in the opinion and absolute discretion of the Divisional Branch Management Committee, such a course of conduct is appropriate. Provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

Any credit, cancellation, waiver or diminution so granted by the Divisional Branch Management Committee shall be deducted from the amount of contributions, fees, levies or arrears due and payable by the member on the records of the Union.

Such cancellation, waiver, credit or diminution may be granted for any period either before or after the certification of this Rule change or before or after any application or proper case being presented for such cancellation, waiver, credit or diminution.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President, two Divisional Branch Vice-Presidents, (which positions shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Tasmanian Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) In the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, three (3) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland

Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January. 2005 or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, two Divisional Branch Assistant Secretaries (one of whom shall be from the former Operative Plasterers and Plaster Workers Federation until 1997 and thereafter the position shall be designated Assistant Secretary (Plasterers), Divisional Branch Organisers, and Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Committee of Management.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the ACT Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) Victorian Divisional Branch

(a) In Victoria, the officers of the Divisional Branch shall be the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In addition to the officers identified in sub-paragraph (a) hereof, the officers of the Victorian Branch shall also include a Divisional Branch Senior Vice-President (FEDFA) and a Divisional Branch Assistant Secretary (FEDFA), both of which shall be paid, full-time positions, and a Divisional Branch Vice-President (FEDFA), which shall be an honorary position.

(c) Those officers referred to in sub-paragraph (b) hereof shall be occupied for the duration or balance of the 2004-2008 term subsequent to the certification of this sub-rule, in accordance with sub-rule 38(ee) of these Divisional Rules. After the conclusion of the 2004-2008 term these offices shall be filled by election in the normal way.

(vii) The officers of the South Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the South Australia Divisional Branch shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(viii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) during the period of 12 months immediately preceding the calling of nominations was not unfinancial for a period longer than 3 months

(C) has been a financial member of the Divisional Branch for the continuous period specified in the scale in sub-rule (a)(vii) herein immediately preceding the calling of nominations and

(D) was, for not less than three quarters of the period of time from the date of certification of this sub-rule (or in the case of any amendments thereto, from the date of certification of such amendments) until the calling of nominations, or a total period of 9 months during the period of twelve months immediately preceding the calling of nominations, whichever is the lesser:

(i) employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch;

(ii) unemployed on account of illness, incapacity or inability to obtain employment; or

(iii) engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto

may nominate for such positions according to that scale.

(ii) deleted

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(v) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(vi) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vii) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary)
Divisional Branch Secretary/Treasurer)
Divisional Branch Assistant Secretary) 3 years'

Divisional Branch President Divisional Branch Senior Vice- President and Vice President	) financial) membership
Divisional Branch Delegate to Divisional Conference	)
Divisional Branch Management	)
Committee Member District Secretary/Organiser Organiser	) 1 year's) financial) membership
Divisional Branch Councillor, representatives	) financial) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

(ee) The holders of the offices in the Victorian FEDFA Divisional Branch identified under the heading ‘FEDFA Offices’ in the table set out below, elected in the 2004 elections, shall, upon the merger of the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch referred to in paragraph 18(e)(ii) of these Divisional Rules, thereupon cease to occupy any office in the Victorian FEDFA Divisional Branch, and shall thereupon occupy the corresponding offices in the merged branch identified under the heading ‘Merged Branch Offices’ in the table set out below.

FEDFA Offices	Merged Branch Offices

Branch President	Branch Senior Vice President (FEDFA)
Branch Secretary	Branch Assistant Secretary (FEDFA)
Branch Assistant Secretary	Branch Vice-President (FEDFA)
Branch Vice President	Organiser
Organisers	Organisers
Member of Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Organisers' Representative on Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Member of Divisional Branch Council	Member of Divisional Branch Council

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior

to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	1235 - 1890 Inclusive
	2000 - 2013 Inclusive
	2014 - 2077 Inclusive
	2079 - 2098 Inclusive
	2099 - 2128 Inclusive
	2129 - 2148 Inclusive
	2150 - 2158 Inclusive
	2160 - 2172 Inclusive
	2174
	2175
	2176 - 2177
	2190 - 2200 Inclusive
	2203 - 2234 Inclusive
	2557 - 2560 Inclusive
	2563 - 2573 Inclusive
	2745
	2747 - 2768 Inclusive
	2770
	2773 - 2786 Inclusive
Newcastle	2159
	2250 - 2251
	2253 - 2265 Inclusive
	2267
	2278

	2280 - 2287 Inclusive 2289 - 2296 Inclusive 2297 - 2307 Inclusive 2309 - 2312 Inclusive 2314 - 2317 2319 - 2323 Inclusive 2324 - 2327 Inclusive 2330 - 2331 2334 – 2335 2420 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 - 2527 Inclusive 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2537 2539 2540 - 2541 2574 - 2576 Inclusive 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii)(A) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule A) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Management Committee shall elect from its members 3 Divisional Branch Vice Presidents.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Management Committee may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(B)In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia

On and from the date of certification of this sub-rule and until 2 January 2001, in Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Divisional Branch Council members:

Peter Ballard
Peter Delaney
Kevin Ennor
Steve Evans
James Fox

Mark Hudston
Tony Kelly
Dave King
Ron Kinney
Tony Lovett
Peter McGraham
Kevin McGuire
Roy McIlwaine
Mick McMahon
Terry McParland
Peter Morrison
Graham Pallot
Daron Smith
Bob Wade
Paul Wrzos

On and from 2 January 2001 the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(vi) Victoria

a. In Victoria, from the date of the certification of this sub-rule, and for the balance of the 2004-2008 term of office, the members of the Divisional Branch Council shall consist of

i. All of those persons who were elected as members of the Divisional Branch Council of the Victorian Building Unions Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule; plus
ii. All of those persons who were elected as members of the Divisional Branch Council of the Victorian FEDFA Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule;

b. On and from the elections for members of the Divisional Branch Council to be held in 2008, the members of the Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with sub-rule (c) hereof.

c. The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

d. The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 25 other members consisting of 3 members eligible pursuant to National Rule 2(E), 9 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer. Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25 and 9 in the immediately preceding sentence shall be read as 26 and 10 respectively.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 14 other members, consisting of 3 carpenters, 3 builders labourers, 3 FEDFA (ie those eligible for membership pursuant to National Rule 2(E)), and 2 members from the combined classifications of bricklayer, plasterer and painter together with three other members of the Divisional Branch engaged in any off-site fixed establishment in the State of Tasmania.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in Tasmania the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a) In the Construction Workers Divisional Branch in Queensland, there shall be elected by and from the members of the Queensland Divisional Branch Management Committee as set out in Rule 40 hereof a Divisional Branch Executive of not less than 6 members including the Divisional Branch President and Divisional Branch Secretary.

Such election shall be conducted, the necessary changes being made in accordance with Rule 9 of the Divisional Rules.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in the first, fourth and fifth paragraph in this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

On and from 2 January, 1997 in the Queensland Construction Workers Divisional Branch the Divisional Branch Executive shall consist of eight (8) members elected

by and from the Divisional Branch Management Committee including the Divisional Branch President (Honorary), Divisional Branch Secretary and the three (3) Divisional Branch Assistant Secretaries and three (3) other Executive members who are not full-time officials. Divisional Branch Executive members who are not otherwise full-time officers of the Divisional Branch shall be elected from those members of the Divisional Branch Management Committee who are eligible for membership of the Union, the Division and the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii), National Rule 2(A)(b) and National Rule 2(E) and at least one member eligible in accordance with each of the aforementioned sub-rules shall occupy a position on the Divisional Branch Executive other than those occupied by the Divisional Branch Secretary and Divisional Branch Assistant Secretaries.

On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Secretary;

C. all the Divisional Branch Assistant Secretaries; and

D. 3 members elected by and from the Divisional Branch Management Committee, 1 of whom is eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii); 1 of whom is eligible for membership pursuant to National Rule 2(A)(b); and 1 of whom is eligible for membership pursuant to National Rule 2(E).

(b) Without affecting the term of office of persons holding office as Divisional Branch Executive members immediately prior to the date of certification of this sub-rule, the Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall, on and from 2 January, 1997 or the declaration of the election in 1996, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), 2 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, 2 Divisional Branch Assistant Secretaries (including Assistant Secretary (Plasterer)) and eleven other members. Provided however that there shall be at least 1 painter, 1 FEDFA (ie person eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and 1 other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in the Australian Capital Territory the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one

painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(vii) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) Victoria

(a) In Victoria, from the date of the certification of this sub-rule, and for the balance of the 2004-2008 term of office, the members of the Divisional Branch Management Committee shall consist of

(i) all of the persons who were elected as members of the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule; plus

(ii) all of the persons who were elected as members of the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule.

(b) On and from the elections for members of the Divisional Branch Management Committee to be held for Victoria in 2008, the members of the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the 3 Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tillers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vii) In South Australia the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, three (3) Divisional Branch Management Committee members and three (3) Organisers (one of whom shall represent members eligible for membership of the former Construction Labourers Divisional Branch on the Divisional Branch Management Committee and one of whom shall represent members eligible for membership of the former Construction Workers Divisional Branch, on the Divisional Branch Management Committee).

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in South Australia the Divisional Branch Management Committee shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional

Branch Senior Vice-President, the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of Awards and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA)

(i) In the Victorian Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA).

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victorian Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President

and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria, the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria, the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch

Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER AND SENIOR VICE-PRESIDENT (SOUTH AUSTRALIA)

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the South Australian Divisional Branch the Divisional Branch Senior Vice President shall be a full time position. He/she shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President.

The Divisional Branch Senior Vice President shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall work under the direction of the Divisional Branch Secretary. He/she shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

48B DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY(FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and shall place the number 2,3,4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters; preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as

may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination

and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES

70 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division to which all members who are eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia, together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) The officers of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.) (Honorary).

(ii) deleted

(iii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

(iv) deleted

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch Management Committee on a quota of one additional Management Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

In the absence of the Industry Divisional Branch President the Industry Divisional Branch Management Committee shall elect from amongst its members a person to chair the meeting.

74 - SUB-BRANCH RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) A capitation fee shall be paid by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day

before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

79 - VARIATION TO RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Management Committee

80 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

81 - DISSOLUTION OF BRANCH

(a) The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Industry Divisional Branch members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch, to close down or otherwise restructure the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch is dissolved, members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

82 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

83 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

84 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall be elected by and from all members of the Industry Divisional Branch.

(b) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

(c) Each of the Industry Divisional Branch Assistant Secretaries and Management Committee members shall be elected by and from those members in each of the corresponding states for which such positions exist.

END OF RULES

[105N-BWIU: Incorporates alterations of 23/05/2008 in matter R2008/250]

I CERTIFY under section 161 of Schedule 1 of the Workplace Relations Act 1996 that the pages herein numbered 1 to 78 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member in the States and Territory of Queensland, New South Wales, South Australia, The Australian Capital Territory, Northern Territory, Tasmania, Victoria, and Western Australia, who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for The Building Workers' Industrial Union of Australia (or any branch thereof) or used by or for The Operative Plasterers and Plaster Workers' Federation of Australia (or any branch thereof) or Federated Engine Drivers and Firemen's Association of Australasia (or any Branch thereof) any other Union (or branch thereof) which has amalgamated with this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the National Building and Construction Industry Award 1990 or any award of the Australian Industrial Relations Commission replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the Australian Industrial Relations Commission.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5 and/or 6, be entitled to all the benefits of membership.

2. Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for a period or amount arising before or after the certification of this rule change for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) without being limited by any of the foregoing, any other hardship, or prejudice or disadvantage;

(e) periods on workers' compensations or on any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Further provided that the former members of the Federal Council of the Operative Painters and Decorators Union shall, upon amalgamation, be and remain, until the general election, members of the Divisional Conference. Such persons shall remain delegates to the Divisional Conference until 2 January 1997. Thereafter, any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, until the declaration of the election in 2004 only, be, by virtue of the holding of such office, a member of the Divisional Conference. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Conference.

Further provided that those persons from the former Construction Labourers, Plasterers and Painters and the Construction Workers Divisional Branches in Western Australia who were Divisional Branch Delegates to Divisional Conference immediately prior to the integration of those Divisional Branches occurring, shall be members of the Divisional Conference until 2 January, 2001.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(a) Provided however that, notwithstanding any other rule to the contrary, if a delegate of the NSW Divisional Branch to Divisional Conference elected in the 2004 elections dies or resigns or otherwise ceases to be a delegate, the vacancy in that position shall not be filled if the result of it being filled is that the number of delegates of the NSW Divisional Branch to Divisional Conference exceeds 13, and instead the position shall, by operation of this sub-rule, be abolished.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victorian Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victorian Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victorian Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) The expenses of delegates and Divisional Officers shall be paid by the Divisional Executive as follows: First class train fare with sleeper or, alternatively, plane fare. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held not later than December 31, 1993 and biennially thereafter at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the

date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, telegraphic, facsimile and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, as the case may be, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

For the purposes of this sub-paragraph, any reference to a "matter or matters" shall be taken as a reference to a matter or matters raised with the Divisional Executive before or after the date upon which this sub-paragraph takes effect.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and

elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

Further, the Victorian Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

Further, and until the expiry of the term of office of the Divisional Executive members in 2009 only, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Vice-President (WA Divisional Branch) and one representative from each of the NSW, Queensland Construction Workers and Victorian Divisional Branches. The Divisional Vice-President (WA Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Western Australian Divisional Branch. Each of the three representatives from the NSW, Queensland Construction Workers and Victorian Divisional Branches shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches, provided however that only persons who are eligible for membership of the union under Rule 2(E) of the National Rules shall be eligible for nomination and election to the three such positions.

The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, only until the declaration of the election in 2004, be a member of the Divisional Executive. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

   Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

   The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

   (a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

   (b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

   In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

   (i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

   (ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

   (iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

   (iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President

shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

(b) deleted

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by

appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter or telegram or telex or facsimile or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the clerical, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary that is not the designated Divisional Assistant Secretary in the case of the incumbent as at the date of certification of this rule amendment, may revert to an honorary office with the consent of that incumbent. Thereafter the office may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional President or the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in the States of Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2009. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January 2008.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

Further provided that on and from 2 January 2005 or the declaration of the election in 2004 whichever is the later, this sub-rule shall have no application to the South Australian Divisional Branch.

(vi) Any reference in sub-paragraph (c) (iv and v) herein to the Building Unions Division, shall where the context permits, be taken to be a reference to the Construction and General Division.

(d) On and from the date of certification of this sub-rule, and until 2 January , 2001, the Officers of the CFMEU, Construction and General Division, Western Australia Divisional Branch shall be :-

Divisional Branch President	Kevin McParland
Divisional Branch Senior Vice President	Dave Simpson
Divisional Branch Vice President	Les Wellington
Divisional Branch Secretary	Kevin Reynolds
Divisional Branch Assistant Secretaries	Joe McDonald
	Kim Young
Divisional Branch Treasurer	Robert Olsen
Divisional Branch Trustees	Ian Hawkens
	Jim Reid
	Alan Williams
Divisional Branch Management Committee	Robert Manwaring
	Bernie Musial
	Brian Churchill
	Glen Hawkins
	Mick Holly
Divisional Branch Organisers	Mark Hudston
	Daron Smith
	Kevin Ennor
	Graham Pallot
	Dave King
	Jim Reid

(e) Victoria

(i) In the State of Victoria the branch shall be called the Victorian Divisional Branch, and it shall consist of all persons in the State of Victoria who are eligible to be members of the Division.

(ii) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(iii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(f) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 361 Kent Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $20.00 and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $20.00.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $20.00 in any calendar year be imposed on any member or members.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, telegram, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland and Victoria in accordance with Rule 18 of these rules.

(c) There shall be an Industry Divisional Branch to be known as the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch. Sub-Branches of that Industry Divisional Branch shall be known as "X (Brick, Tile, Pottery, Construction Materials and Related Products) Sub-Branch" where X is the State or Territory concerned.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that in Western Australia membership shall be determined in accordance with Rule 18 herein and further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall be and remain members of the Australian Capital Territory Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where

election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their

apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Divisional Branch

(a) The record of members of the Victorian Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victorian Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victorian Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Divisional Branch accordingly.

(e) The Victorian Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victorian Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) ACT Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the ACT Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the National Building and Construction Industry Award 1990 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Notwithstanding the foregoing, a member of the Victorian Divisional Branch who was a member of the Operative Painters and Decorators Union on 25 March 1993 and had paid his/her membership contribution up to 28 February 1994 shall be deemed, for all purposes, to be financial

for the period 1 March 1994 to 30 September 1994 on the payment by that member of his/her membership contribution calculated in accordance with this Rule for the half year commencing on 1 April 1994.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Further provided that in the case of the Queensland Construction Workers Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or on an injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $2 per copy.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b) A member who has been financial for 12 months at the time of becoming unemployed or unfinancial for a period of more than three months through sickness or other reasonable cause may have any contribution, fee, levy or other arrear cancelled, waived, credited or otherwise diminished in whole or in part if, in the opinion and absolute discretion of the Divisional Branch Management Committee, such a course of conduct is appropriate. Provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

Any credit, cancellation, waiver or diminution so granted by the Divisional Branch Management Committee shall be deducted from the amount of contributions, fees, levies or arrears due and payable by the member on the records of the Union.

Such cancellation, waiver, credit or diminution may be granted for any period either before or after the certification of this Rule change or before or after any application or proper case being presented for such cancellation, waiver, credit or diminution.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President, two Divisional Branch Vice-Presidents, (which positions shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Tasmanian Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) In the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, three (3) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland

Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January. 2005 or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, two Divisional Branch Assistant Secretaries (one of whom shall be from the former Operative Plasterers and Plaster Workers Federation until 1997 and thereafter the position shall be designated Assistant Secretary (Plasterers), Divisional Branch Organisers, and Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Committee of Management.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the ACT Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) Victorian Divisional Branch

(a) In Victoria, the officers of the Divisional Branch shall be the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In addition to the officers identified in sub-paragraph (a) hereof, the officers of the Victorian Branch shall also include a Divisional Branch Senior Vice-President (FEDFA) and a Divisional Branch Assistant Secretary (FEDFA), both of which shall be paid, full-time positions, and a Divisional Branch Vice-President (FEDFA), which shall be an honorary position.

(c) Those officers referred to in sub-paragraph (b) hereof shall be occupied for the duration or balance of the 2004-2008 term subsequent to the certification of this sub-rule, in accordance with sub-rule 38(ee) of these Divisional Rules. After the conclusion of the 2004-2008 term these offices shall be filled by election in the normal way. Provided however that on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, the office of Divisional Branch Vice-President (FEDFA) shall cease to exist and the number of Divisional Branch Vice-Presidents (honorary), referred to in sub-rule (vi)(a) herein, shall be increased to four (4).

(vii) The officers of the South Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the South Australia Divisional Branch shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(viii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) during the period of 12 months immediately preceding the calling of nominations was not unfinancial for a period longer than 3 months

(C) has been a financial member of the Divisional Branch for the continuous period specified in the scale in sub-rule (a)(vii) herein immediately preceding the calling of nominations and

(D) was, for not less than three quarters of the period of time from the date of certification of this sub-rule (or in the case of any amendments thereto, from the date of certification of such amendments) until the calling of nominations, or a total period of 9 months during the period of twelve months immediately preceding the calling of nominations, whichever is the lesser:

(i) employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch;

(ii) unemployed on account of illness, incapacity or inability to obtain employment; or

(iii) engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto

may nominate for such positions according to that scale.

(ii) deleted

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(v) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(vi) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vii) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	) 3 years'
Divisional Branch President	
Divisional Branch Senior Vice-President and Vice President	) financial
	) membership
Divisional Branch Delegate to Divisional Conference	)
Divisional Branch Management Committee Member	) 1 year's
District Secretary/Organiser Organiser	) financial) membership
Divisional Branch Councillor, representatives	) financial) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where

practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the

Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6

months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

(ee) The holders of the offices in the Victorian FEDFA Divisional Branch identified under the heading ‘FEDFA Offices’ in the table set out below, elected in the 2004 elections, shall, upon the merger of the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch referred to in paragraph 18(e)(ii) of these Divisional Rules, thereupon cease to occupy any office in the Victorian FEDFA Divisional Branch, and shall thereupon occupy the corresponding offices in the merged branch identified under the heading ‘Merged Branch Offices’ in the table set out below.

FEDFA Offices	Merged Branch Offices
Branch President	Branch Senior Vice President (FEDFA)
Branch Secretary	Branch Assistant Secretary (FEDFA)
Branch Assistant Secretary	Branch Vice-President (FEDFA)
Branch Vice President	Organiser
Organisers	Organisers
Member of Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Organisers' Representative on Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Member of Divisional Branch Council	Member of Divisional Branch Council

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior

to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	1235 - 1890 Inclusive
	2000 - 2013 Inclusive
	2014 - 2077 Inclusive
	2079 - 2098 Inclusive
	2099 - 2128 Inclusive
	2129 - 2148 Inclusive
	2150 - 2158 Inclusive
	2160 - 2172 Inclusive
	2174
	2175
	2176 - 2177
	2190 - 2200 Inclusive
	2203 - 2234 Inclusive
	2557 - 2560 Inclusive
	2563 - 2573 Inclusive
	2745
	2747 - 2768 Inclusive
	2770
	2773 - 2786 Inclusive
Newcastle	2159
	2250 - 2251
	2253 - 2265 Inclusive
	2267
	2278

	2280 - 2287 Inclusive 2289 - 2296 Inclusive 2297 - 2307 Inclusive 2309 - 2312 Inclusive 2314 - 2317 2319 - 2323 Inclusive 2324 - 2327 Inclusive 2330 - 2331 2334 – 2335 2420 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 - 2527 Inclusive 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2537 2539 2540 - 2541 2574 - 2576 Inclusive 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii)(A) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule A) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Management Committee shall elect from its members 3 Divisional Branch Vice Presidents.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Management Committee may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(B)In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia

On and from the date of certification of this sub-rule and until 2 January 2001, in Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Divisional Branch Council members:

Peter Ballard
Peter Delaney
Kevin Ennor
Steve Evans
James Fox

Mark Hudston
Tony Kelly
Dave King
Ron Kinney
Tony Lovett
Peter McGraham
Kevin McGuire
Roy McIlwaine
Mick McMahon
Terry McParland
Peter Morrison
Graham Pallot
Daron Smith
Bob Wade
Paul Wrzos

On and from 2 January 2001 the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(vi) Victoria

a. In Victoria, from the date of the certification of this sub-rule, and for the balance of the 2004-2008 term of office, the members of the Divisional Branch Council shall consist of

i. All of those persons who were elected as members of the Divisional Branch Council of the Victorian Building Unions Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule; plus
ii. All of those persons who were elected as members of the Divisional Branch Council of the Victorian FEDFA Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule;

b. On and from the elections for members of the Divisional Branch Council to be held in 2008, the members of the Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with sub-rule (c) hereof.

c. The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

d. The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 25 other members consisting of 3 members eligible pursuant to National Rule 2(E), 9 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer. Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25 and 9 in the immediately preceding sentence shall be read as 26 and 10 respectively.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 14 other members, consisting of 3 carpenters, 3 builders labourers, 3 FEDFA (ie those eligible for membership pursuant to National Rule 2(E)), and 2 members from the combined classifications of bricklayer, plasterer and painter together with three other members of the Divisional Branch engaged in any off-site fixed establishment in the State of Tasmania.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in Tasmania the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a) In the Construction Workers Divisional Branch in Queensland, there shall be elected by and from the members of the Queensland Divisional Branch Management Committee as set out in Rule 40 hereof a Divisional Branch Executive of not less than 6 members including the Divisional Branch President and Divisional Branch Secretary.

Such election shall be conducted, the necessary changes being made in accordance with Rule 9 of the Divisional Rules.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in the first, fourth and fifth paragraph in this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

On and from 2 January, 1997 in the Queensland Construction Workers Divisional Branch the Divisional Branch Executive shall consist of eight (8) members elected

by and from the Divisional Branch Management Committee including the Divisional Branch President (Honorary), Divisional Branch Secretary and the three (3) Divisional Branch Assistant Secretaries and three (3) other Executive members who are not full-time officials. Divisional Branch Executive members who are not otherwise full-time officers of the Divisional Branch shall be elected from those members of the Divisional Branch Management Committee who are eligible for membership of the Union, the Division and the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii), National Rule 2(A)(b) and National Rule 2(E) and at least one member eligible in accordance with each of the aforementioned sub-rules shall occupy a position on the Divisional Branch Executive other than those occupied by the Divisional Branch Secretary and Divisional Branch Assistant Secretaries.

On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Secretary;

C. all the Divisional Branch Assistant Secretaries; and

D. 3 members elected by and from the Divisional Branch Management Committee, 1 of whom is eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii); 1 of whom is eligible for membership pursuant to National Rule 2(A)(b); and 1 of whom is eligible for membership pursuant to National Rule 2(E).

(b) Without affecting the term of office of persons holding office as Divisional Branch Executive members immediately prior to the date of certification of this sub-rule, the Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall, on and from 2 January, 1997 or the declaration of the election in 1996, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), 2 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, 2 Divisional Branch Assistant Secretaries (including Assistant Secretary (Plasterer)) and eleven other members. Provided however that there shall be at least 1 painter, 1 FEDFA (ie person eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and 1 other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in the Australian Capital Territory the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one

painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(vii) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) Victoria

(a) In Victoria, from the date of the certification of this sub-rule, and for the balance of the 2004-2008 term of office, the members of the Divisional Branch Management Committee shall consist of

(i) all of the persons who were elected as members of the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule; plus

(ii) all of the persons who were elected as members of the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule.

(b) On and from the elections for members of the Divisional Branch Management Committee to be held for Victoria in 2008, the members of the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, the Divisional Branch Assistant Secretary (FEDFA), the Divisional Branch Senior Vice-President (FEDFA), the 4 Divisional Branch Vice-Presidents, and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tillers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vii) In South Australia the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, three (3) Divisional Branch Management Committee members and three (3) Organisers (one of whom shall represent members eligible for membership of the former Construction Labourers Divisional Branch on the Divisional Branch Management Committee and one of whom shall represent members eligible for membership of the former Construction Workers Divisional Branch, on the Divisional Branch Management Committee).

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in South Australia the Divisional Branch Management Committee shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional

Branch Senior Vice-President, the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of Awards and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA)

(i) In the Victorian Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA).

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victorian Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President

and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria, the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria, the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch

Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER AND SENIOR VICE-PRESIDENT (SOUTH AUSTRALIA)

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the South Australian Divisional Branch the Divisional Branch Senior Vice President shall be a full time position. He/she shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President.

The Divisional Branch Senior Vice President shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall work under the direction of the Divisional Branch Secretary. He/she shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

48B DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY(FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and shall place the number 2,3,4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters; preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as

may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination

and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES

70 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division to which all members who are eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia, together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) The officers of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.) (Honorary).

(ii) deleted

(iii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

(iv) deleted

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch Management Committee on a quota of one additional Management Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

In the absence of the Industry Divisional Branch President the Industry Divisional Branch Management Committee shall elect from amongst its members a person to chair the meeting.

74 - SUB-BRANCH RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) A capitation fee shall be paid by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day

before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

79 - VARIATION TO RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Management Committee

80 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

81 - DISSOLUTION OF BRANCH

(a) The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Industry Divisional Branch members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch, to close down or otherwise restructure the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch is dissolved, members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

82 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

83 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

84 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall be elected by and from all members of the Industry Divisional Branch.

(b) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

(c) Each of the Industry Divisional Branch Assistant Secretaries and Management Committee members shall be elected by and from those members in each of the corresponding states for which such positions exist.

END OF RULES

[105N-BWIU: Incorporates alterations of 4/07/2008 in matter R2008/288]

I CERTIFY under section 161 of Schedule 1 of the Workplace Relations Act 1996 that the pages herein numbered 1 to 78 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member in the States and Territory of Queensland, New South Wales, South Australia, The Australian Capital Territory, Northern Territory, Tasmania, Victoria, and Western Australia, who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for The Building Workers' Industrial Union of Australia (or any branch thereof) or used by or for The Operative Plasterers and Plaster Workers' Federation of Australia (or any branch thereof) or Federated Engine Drivers and Firemen's Association of Australasia (or any Branch thereof) any other Union (or branch thereof) which has amalgamated with this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the National Building and Construction Industry Award 1990 or any award of the Australian Industrial Relations Commission replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the Australian Industrial Relations Commission.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5 and/or 6, be entitled to all the benefits of membership.

2. Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for a period or amount arising before or after the certification of this rule change for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) without being limited by any of the foregoing, any other hardship, or prejudice or disadvantage;

(e) periods on workers' compensations or on any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Further provided that the former members of the Federal Council of the Operative Painters and Decorators Union shall, upon amalgamation, be and remain, until the general election, members of the Divisional Conference. Such persons shall remain delegates to the Divisional Conference until 2 January 1997. Thereafter, any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, until the declaration of the election in 2004 only, be, by virtue of the holding of such office, a member of the Divisional Conference. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Conference.

Further provided that those persons from the former Construction Labourers, Plasterers and Painters and the Construction Workers Divisional Branches in Western Australia who were Divisional Branch Delegates to Divisional Conference immediately prior to the integration of those Divisional Branches occurring, shall be members of the Divisional Conference until 2 January, 2001.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(a) Provided however that, notwithstanding any other rule to the contrary, if a delegate of the NSW Divisional Branch to Divisional Conference elected in the 2004 elections dies or resigns or otherwise ceases to be a delegate, the vacancy in that position shall not be filled if the result of it being filled is that the number of delegates of the NSW Divisional Branch to Divisional Conference exceeds 13, and instead the position shall, by operation of this sub-rule, be abolished.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victorian Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victorian Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victorian Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) The expenses of delegates and Divisional Officers shall be paid by the Divisional Executive as follows: First class train fare with sleeper or, alternatively, plane fare. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing

to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held not later than December 31, 1993 and biennially thereafter at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the

date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, telegraphic, facsimile and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, as the case may be, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

For the purposes of this sub-paragraph, any reference to a "matter or matters" shall be taken as a reference to a matter or matters raised with the Divisional Executive before or after the date upon which this sub-paragraph takes effect.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

Further, the Victorian Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

Further, and until the expiry of the term of office of the Divisional Executive members in 2009 only, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Vice-President (WA Divisional Branch) and one representative from each of the NSW, Queensland Construction Workers and Victorian Divisional Branches. The Divisional Vice-President (WA Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Western Australian Divisional Branch. Each of the three representatives from the NSW, Queensland Construction Workers and Victorian Divisional Branches shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches, provided however that only persons who are eligible for membership of the union under Rule 2(E) of the National Rules shall be eligible for nomination and election to the three such positions.

The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, only until the declaration of the election in 2004, be a member of the Divisional Executive. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be

conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

   The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

   The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

   Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

(b) deleted

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter or telegram or telex or facsimile or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the clerical, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary that is not the designated Divisional Assistant Secretary in the case of the incumbent as at the date of certification of this rule amendment, may revert to an honorary office with the consent of that incumbent. Thereafter the office may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional President or the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in the States of Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2009. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January 2008.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy

amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

Further provided that on and from 2 January 2005 or the declaration of the election in 2004 whichever is the later, this sub-rule shall have no application to the South Australian Divisional Branch.

(vi) Any reference in sub-paragraph (c) (iv and v) herein to the Building Unions Division, shall where the context permits, be taken to be a reference to the Construction and General Division.

(d) On and from the date of certification of this sub-rule, and until 2 January , 2001, the Officers of the CFMEU, Construction and General Division, Western Australia Divisional Branch shall be :-

Divisional Branch President	Kevin McParland
Divisional Branch Senior Vice President	Dave Simpson
Divisional Branch Vice President	Les Wellington
Divisional Branch Secretary	Kevin Reynolds
Divisional Branch Assistant Secretaries	Joe McDonald
	Kim Young
Divisional Branch Treasurer	Robert Olsen
Divisional Branch Trustees	Ian Hawkens
	Jim Reid
	Alan Williams
Divisional Branch Management Committee	Robert Manwaring
	Bernie Musial
	Brian Churchill
	Glen Hawkins
	Mick Holly
Divisional Branch Organisers	Mark Hudston
	Daron Smith
	Kevin Ennor
	Graham Pallot
	Dave King
	Jim Reid

(e) Victoria

(i) In the State of Victoria the branch shall be called the Victorian Divisional Branch, and it shall consist of all persons in the State of Victoria who are eligible to be members of the Division.

(ii) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(iii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(f) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 361 Kent Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $20.00 and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $20.00.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $20.00 in any calendar year be imposed on any member or members.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, telegram, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland and Victoria in accordance with Rule 18 of these rules.

(c) There shall be an Industry Divisional Branch to be known as the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch. Sub-Branches of that Industry Divisional Branch shall be known as "X (Brick, Tile, Pottery, Construction Materials and Related Products) Sub-Branch" where X is the State or Territory concerned.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that in Western Australia membership shall be determined in accordance with Rule 18 herein and further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 30 June 2008, be and remain members of the Western Australian Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where

election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their

apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Divisional Branch

(a) The record of members of the Victorian Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victorian Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victorian Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Divisional Branch accordingly.

(e) The Victorian Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victorian Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Western Australia Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the Western Australian Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the National Building and Construction Industry Award 1990 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Notwithstanding the foregoing, a member of the Victorian Divisional Branch who was a member of the Operative Painters and Decorators Union on 25 March 1993 and had paid his/her membership contribution up to 28 February 1994 shall be deemed, for all purposes, to be financial

for the period 1 March 1994 to 30 September 1994 on the payment by that member of his/her membership contribution calculated in accordance with this Rule for the half year commencing on 1 April 1994.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Further provided that in the case of the Queensland Construction Workers Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or on an injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $2 per copy.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b) A member who has been financial for 12 months at the time of becoming unemployed or unfinancial for a period of more than three months through sickness or other reasonable cause may have any contribution, fee, levy or other arrear cancelled, waived, credited or otherwise diminished in whole or in part if, in the opinion and absolute discretion of the Divisional Branch Management Committee, such a course of conduct is appropriate. Provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

Any credit, cancellation, waiver or diminution so granted by the Divisional Branch Management Committee shall be deducted from the amount of contributions, fees, levies or arrears due and payable by the member on the records of the Union.

Such cancellation, waiver, credit or diminution may be granted for any period either before or after the certification of this Rule change or before or after any application or proper case being presented for such cancellation, waiver, credit or diminution.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President, two Divisional Branch Vice-Presidents, (which positions shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Tasmanian Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) In the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, three (3) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland

Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January. 2005 or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, two Divisional Branch Assistant Secretaries (one of whom shall be from the former Operative Plasterers and Plaster Workers Federation until 1997 and thereafter the position shall be designated Assistant Secretary (Plasterers), Divisional Branch Organisers, and Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Committee of Management.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the ACT Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) Victorian Divisional Branch

(a) In Victoria, the officers of the Divisional Branch shall be the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In addition to the officers identified in sub-paragraph (a) hereof, the officers of the Victorian Branch shall also include a Divisional Branch Senior Vice-President (FEDFA) and a Divisional Branch Assistant Secretary (FEDFA), both of which shall be paid, full-time positions, and a Divisional Branch Vice-President (FEDFA), which shall be an honorary position.

(c) Those officers referred to in sub-paragraph (b) hereof shall be occupied for the duration or balance of the 2004-2008 term subsequent to the certification of this sub-rule, in accordance with sub-rule 38(ee) of these Divisional Rules. After the conclusion of the 2004-2008 term these offices shall be filled by election in the normal way. Provided however that on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, the office of Divisional Branch Vice-President (FEDFA) shall cease to exist and the number of Divisional Branch Vice-Presidents (honorary), referred to in sub-rule (vi)(a) herein, shall be increased to four (4).

(vii) The officers of the South Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the South Australia Divisional Branch shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(viii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) during the period of 12 months immediately preceding the calling of nominations was not unfinancial for a period longer than 3 months

(C) has been a financial member of the Divisional Branch for the continuous period specified in the scale in sub-rule (a)(vii) herein immediately preceding the calling of nominations and

(D) was, for not less than three quarters of the period of time from the date of certification of this sub-rule (or in the case of any amendments thereto, from the date of certification of such amendments) until the calling of nominations, or a total period of 9 months during the period of twelve months immediately preceding the calling of nominations, whichever is the lesser:

(i) employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch;

(ii) unemployed on account of illness, incapacity or inability to obtain employment; or

(iii) engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto

may nominate for such positions according to that scale.

(ii) deleted

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(v) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(vi) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vii) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	) 3 years'
Divisional Branch President	
Divisional Branch Senior Vice-President and Vice President	) financial
	) membership
Divisional Branch Delegate to Divisional Conference	)
Divisional Branch Management Committee Member	) 1 year's
District Secretary/Organiser Organiser	) financial) membership
Divisional Branch Councillor, representatives	) financial) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where

practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the

Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6

months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

(ee) The holders of the offices in the Victorian FEDFA Divisional Branch identified under the heading ‘FEDFA Offices’ in the table set out below, elected in the 2004 elections, shall, upon the merger of the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch referred to in paragraph 18(e)(ii) of these Divisional Rules, thereupon cease to occupy any office in the Victorian FEDFA Divisional Branch, and shall thereupon occupy the corresponding offices in the merged branch identified under the heading ‘Merged Branch Offices’ in the table set out below.

FEDFA Offices	Merged Branch Offices
Branch President	Branch Senior Vice President (FEDFA)
Branch Secretary	Branch Assistant Secretary (FEDFA)
Branch Assistant Secretary	Branch Vice-President (FEDFA)
Branch Vice President	Organiser
Organisers	Organisers
Member of Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Organisers' Representative on Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Member of Divisional Branch Council	Member of Divisional Branch Council

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior

to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	1235 - 1890 Inclusive
	2000 - 2013 Inclusive
	2014 - 2077 Inclusive
	2079 - 2098 Inclusive
	2099 - 2128 Inclusive
	2129 - 2148 Inclusive
	2150 - 2158 Inclusive
	2160 - 2172 Inclusive
	2174
	2175
	2176 - 2177
	2190 - 2200 Inclusive
	2203 - 2234 Inclusive
	2557 - 2560 Inclusive
	2563 - 2573 Inclusive
	2745
	2747 - 2768 Inclusive
	2770
	2773 - 2786 Inclusive
Newcastle	2159
	2250 - 2251
	2253 - 2265 Inclusive
	2267
	2278

	2280 - 2287 Inclusive 2289 - 2296 Inclusive 2297 - 2307 Inclusive 2309 - 2312 Inclusive 2314 - 2317 2319 - 2323 Inclusive 2324 - 2327 Inclusive 2330 - 2331 2334 – 2335 2420 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 - 2527 Inclusive 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2537 2539 2540 - 2541 2574 - 2576 Inclusive 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii)(A) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule A) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Management Committee shall elect from its members 3 Divisional Branch Vice Presidents.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Management Committee may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(B)In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia

On and from the date of certification of this sub-rule and until 2 January 2001, in Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Divisional Branch Council members:

Peter Ballard
Peter Delaney
Kevin Ennor
Steve Evans
James Fox

Mark Hudston
Tony Kelly
Dave King
Ron Kinney
Tony Lovett
Peter McGraham
Kevin McGuire
Roy McIlwaine
Mick McMahon
Terry McParland
Peter Morrison
Graham Pallot
Daron Smith
Bob Wade
Paul Wrzos

On and from 2 January 2001 the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(vi) Victoria

a. In Victoria, from the date of the certification of this sub-rule, and for the balance of the 2004-2008 term of office, the members of the Divisional Branch Council shall consist of

i. All of those persons who were elected as members of the Divisional Branch Council of the Victorian Building Unions Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule; plus
ii. All of those persons who were elected as members of the Divisional Branch Council of the Victorian FEDFA Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule;

b. On and from the elections for members of the Divisional Branch Council to be held in 2008, the members of the Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with sub-rule (c) hereof.

c. The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

d. The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 25 other members consisting of 3 members eligible pursuant to National Rule 2(E), 9 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer. Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25 and 9 in the immediately preceding sentence shall be read as 26 and 10 respectively.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 14 other members, consisting of 3 carpenters, 3 builders labourers, 3 FEDFA (ie those eligible for membership pursuant to National Rule 2(E)), and 2 members from the combined classifications of bricklayer, plasterer and painter together with three other members of the Divisional Branch engaged in any off-site fixed establishment in the State of Tasmania.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in Tasmania the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a) In the Construction Workers Divisional Branch in Queensland, there shall be elected by and from the members of the Queensland Divisional Branch Management Committee as set out in Rule 40 hereof a Divisional Branch Executive of not less than 6 members including the Divisional Branch President and Divisional Branch Secretary.

Such election shall be conducted, the necessary changes being made in accordance with Rule 9 of the Divisional Rules.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in the first, fourth and fifth paragraph in this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

On and from 2 January, 1997 in the Queensland Construction Workers Divisional Branch the Divisional Branch Executive shall consist of eight (8) members elected

by and from the Divisional Branch Management Committee including the Divisional Branch President (Honorary), Divisional Branch Secretary and the three (3) Divisional Branch Assistant Secretaries and three (3) other Executive members who are not full-time officials. Divisional Branch Executive members who are not otherwise full-time officers of the Divisional Branch shall be elected from those members of the Divisional Branch Management Committee who are eligible for membership of the Union, the Division and the Divisional Branch by virtue of National Rule 2(A)(a)(i) and (ii), National Rule 2(A)(b) and National Rule 2(E) and at least one member eligible in accordance with each of the aforementioned sub-rules shall occupy a position on the Divisional Branch Executive other than those occupied by the Divisional Branch Secretary and Divisional Branch Assistant Secretaries.

On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Secretary;

C. all the Divisional Branch Assistant Secretaries; and

D. 3 members elected by and from the Divisional Branch Management Committee, 1 of whom is eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii); 1 of whom is eligible for membership pursuant to National Rule 2(A)(b); and 1 of whom is eligible for membership pursuant to National Rule 2(E).

(b) Without affecting the term of office of persons holding office as Divisional Branch Executive members immediately prior to the date of certification of this sub-rule, the Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall, on and from 2 January, 1997 or the declaration of the election in 1996, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), 2 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, 2 Divisional Branch Assistant Secretaries (including Assistant Secretary (Plasterer)) and eleven other members. Provided however that there shall be at least 1 painter, 1 FEDFA (ie person eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and 1 other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in the Australian Capital Territory the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one

painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(vii) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) Victoria

(a) In Victoria, from the date of the certification of this sub-rule, and for the balance of the 2004-2008 term of office, the members of the Divisional Branch Management Committee shall consist of

(i) all of the persons who were elected as members of the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule; plus

(ii) all of the persons who were elected as members of the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule.

(b) On and from the elections for members of the Divisional Branch Management Committee to be held for Victoria in 2008, the members of the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, the Divisional Branch Assistant Secretary (FEDFA), the Divisional Branch Senior Vice-President (FEDFA), the 4 Divisional Branch Vice-Presidents, and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tillers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vii) In South Australia the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, three (3) Divisional Branch Management Committee members and three (3) Organisers (one of whom shall represent members eligible for membership of the former Construction Labourers Divisional Branch on the Divisional Branch Management Committee and one of whom shall represent members eligible for membership of the former Construction Workers Divisional Branch, on the Divisional Branch Management Committee).

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in South Australia the Divisional Branch Management Committee shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional

Branch Senior Vice-President, the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of Awards and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA)

(i) In the Victorian Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA).

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victorian Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President

and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria, the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria, the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch

Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER AND SENIOR VICE-PRESIDENT (SOUTH AUSTRALIA)

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the South Australian Divisional Branch the Divisional Branch Senior Vice President shall be a full time position. He/she shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President.

The Divisional Branch Senior Vice President shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall work under the direction of the Divisional Branch Secretary. He/she shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

48B DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY(FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and shall place the number 2,3,4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters; preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as

may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination

and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES

70 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division to which all members who are eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia, together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) The officers of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.) (Honorary).

(ii) deleted

(iii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

(iv) deleted

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch Management Committee on a quota of one additional Management Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

In the absence of the Industry Divisional Branch President the Industry Divisional Branch Management Committee shall elect from amongst its members a person to chair the meeting.

74 - SUB-BRANCH RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) A capitation fee shall be paid by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day

before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

79 - VARIATION TO RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Management Committee

80 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

81 - DISSOLUTION OF BRANCH

(a) The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Industry Divisional Branch members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch, to close down or otherwise restructure the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch is dissolved, members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

82 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

83 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

84 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall be elected by and from all members of the Industry Divisional Branch.

(b) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

(c) Each of the Industry Divisional Branch Assistant Secretaries and Management Committee members shall be elected by and from those members in each of the corresponding states for which such positions exist.

END OF RULES

[105N-BWIU: Incorporates alterations of 19/01/2009 in matter R2008/462]

I CERTIFY under section 161 of Schedule 1 of the Workplace Relations Act 1996 that the pages herein numbered 1 to 76 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member in the States and Territory of Queensland, New South Wales, South Australia, The Australian Capital Territory, Northern Territory, Tasmania, Victoria, and Western Australia, who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for The Building Workers' Industrial Union of Australia (or any branch thereof) or used by or for The Operative Plasterers and Plaster Workers' Federation of Australia (or any branch thereof) or Federated Engine Drivers and Firemen's Association of Australasia (or any Branch thereof) any other Union (or branch thereof) which has amalgamated with this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the National Building and Construction Industry Award 1990 or any award of the Australian Industrial Relations Commission replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the Australian Industrial Relations Commission.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5 and/or 6, be entitled to all the benefits of membership.

2. Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for a period or amount arising before or after the certification of this rule change for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) without being limited by any of the foregoing, any other hardship, or prejudice or disadvantage;

(e) periods on workers' compensations or on any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Further provided that the former members of the Federal Council of the Operative Painters and Decorators Union shall, upon amalgamation, be and remain, until the general election, members of the Divisional Conference. Such persons shall remain delegates to the Divisional Conference until 2 January 1997. Thereafter, any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, until the declaration of the election in 2004 only, be, by virtue of the holding of such office, a member of the Divisional Conference. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Conference.

Further provided that those persons from the former Construction Labourers, Plasterers and Painters and the Construction Workers Divisional Branches in Western Australia who were Divisional Branch Delegates to Divisional Conference immediately prior to the integration of those Divisional Branches occurring, shall be members of the Divisional Conference until 2 January, 2001.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(a) Provided however that, notwithstanding any other rule to the contrary, if a delegate of the NSW Divisional Branch to Divisional Conference elected in the 2004 elections dies or resigns or otherwise ceases to be a delegate, the vacancy in that position shall not be filled if the result of it being filled is that the number of delegates of the NSW Divisional Branch to Divisional Conference exceeds 13, and instead the position shall, by operation of this sub-rule, be abolished.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victorian Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victorian Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victorian Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) The expenses of delegates and Divisional Officers shall be paid by the Divisional Executive as follows: First class train fare with sleeper or, alternatively, plane fare. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing

to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held not later than December 31, 1993 and biennially thereafter at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the

date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, telegraphic, facsimile and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, as the case may be, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

For the purposes of this sub-paragraph, any reference to a "matter or matters" shall be taken as a reference to a matter or matters raised with the Divisional Executive before or after the date upon which this sub-paragraph takes effect.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

Further, the Victorian Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

Further, and until the expiry of the term of office of the Divisional Executive members in 2009 only, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Vice-President (WA Divisional Branch) and one representative from each of the NSW, Queensland Construction Workers and Victorian Divisional Branches. The Divisional Vice-President (WA Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Western Australian Divisional Branch. Each of the three representatives from the NSW, Queensland Construction Workers and Victorian Divisional Branches shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches, provided however that only persons who are eligible for membership of the union under Rule 2(E) of the National Rules shall be eligible for nomination and election to the three such positions.

The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, only until the declaration of the election in 2004, be a member of the Divisional Executive. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be

conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

   The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

   The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

   Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

(b) deleted

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter or telegram or telex or facsimile or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the clerical, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary that is not the designated Divisional Assistant Secretary in the case of the incumbent as at the date of certification of this rule amendment, may revert to an honorary office with the consent of that incumbent. Thereafter the office may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional President or the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in the States of Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2009. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January 2008.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this

rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

Further provided that on and from 2 January 2005 or the declaration of the election in 2004 whichever is the later, this sub-rule shall have no application to the South Australian Divisional Branch.

(vi) Any reference in sub-paragraph (c) (iv and v) herein to the Building Unions Division, shall where the context permits, be taken to be a reference to the Construction and General Division.

(d) On and from the date of certification of this sub-rule, and until 2 January , 2001, the Officers of the CFMEU, Construction and General Division, Western Australia Divisional Branch shall be :-

Divisional Branch President	Kevin McParland
Divisional Branch Senior Vice President	Dave Simpson
Divisional Branch Vice President	Les Wellington
Divisional Branch Secretary	Kevin Reynolds
Divisional Branch Assistant Secretaries	Joe McDonald
	Kim Young
Divisional Branch Treasurer	Robert Olsen
Divisional Branch Trustees	Ian Hawkens
	Jim Reid
	Alan Williams
Divisional Branch Management Committee	Robert Manwaring
	Bernie Musial
	Brian Churchill
	Glen Hawkins
	Mick Holly
Divisional Branch Organisers	Mark Hudston
	Daron Smith
	Kevin Ennor
	Graham Pallot
	Dave King
	Jim Reid

(e) Victoria

(i) In the State of Victoria the branch shall be called the Victorian Divisional Branch, and it shall consist of all persons in the State of Victoria who are eligible to be members of the Division.

(ii) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(iii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(f) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 361 Kent Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $20.00 and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $20.00.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $20.00 in any calendar year be imposed on any member or members.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, telegram, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland and Victoria in accordance with Rule 18 of these rules.

(c) There shall be an Industry Divisional Branch to be known as the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch. Sub-Branches of that Industry Divisional Branch shall be known as "X (Brick, Tile, Pottery, Construction Materials and Related Products) Sub-Branch" where X is the State or Territory concerned.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that in Western Australia membership shall be determined in accordance with Rule 18 herein and further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 30 June 2008, be and remain members of the Western Australian Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Divisional Branch

(a) The record of members of the Victorian Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victorian Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victorian Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Divisional Branch accordingly.

(e) The Victorian Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victorian Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Western Australia Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the Western Australian Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the National Building and Construction Industry Award 1990 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Notwithstanding the foregoing, a member of the Victorian Divisional Branch who was a member of the Operative Painters and Decorators Union on 25 March 1993 and had paid his/her membership contribution up to 28 February 1994 shall be deemed, for all purposes, to be financial for the period 1 March 1994 to 30 September 1994 on the payment by that member of his/her membership contribution calculated in accordance with this Rule for the half year commencing on 1 April 1994.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Further provided that in the case of the Queensland Construction Workers Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not

be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or on an injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $2 per copy.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other

authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b) A member who has been financial for 12 months at the time of becoming unemployed or unfinancial for a period of more than three months through sickness or other reasonable cause may have any contribution, fee, levy or other arrear cancelled, waived, credited or otherwise diminished in whole or in part if, in the opinion and absolute discretion of the Divisional Branch Management Committee, such a course of conduct is appropriate. Provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

Any credit, cancellation, waiver or diminution so granted by the Divisional Branch Management Committee shall be deducted from the amount of contributions, fees, levies or arrears due and payable by the member on the records of the Union.

Such cancellation, waiver, credit or diminution may be granted for any period either before or after the certification of this Rule change or before or after any application or proper case being presented for such cancellation, waiver, credit or diminution.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President, two Divisional Branch Vice-Presidents, (which positions shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Tasmanian Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January 2005 or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a

Divisional Branch Assistant Secretary (Painters), three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Vice-President (which position will be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and a Divisional Branch Executive Member, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, two Divisional Branch Assistant Secretaries (one of whom shall be from the former Operative Plasterers and Plaster Workers Federation until 1997 and thereafter the position shall be designated Assistant Secretary (Plasterers), Divisional Branch Organisers, and Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Committee of Management.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the ACT Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) Victorian Divisional Branch

(a) In Victoria, the officers of the Divisional Branch shall be the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In addition to the officers identified in sub-paragraph (a) hereof, the officers of the Victorian Branch shall also include a Divisional Branch Senior Vice-President (FEDFA) and a Divisional Branch Assistant Secretary (FEDFA), both of which shall be paid, full-time positions, and a Divisional Branch Vice-President (FEDFA), which shall be an honorary position.

(c) Those officers referred to in sub-paragraph (b) hereof shall be occupied for the duration or balance of the 2004-2008 term subsequent to the certification of this sub-rule, in accordance with sub-rule 38(ee) of these Divisional Rules. After the conclusion of the 2004-2008 term these offices shall be filled by election in the normal way. Provided however that on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, the office of Divisional Branch Vice-President (FEDFA) shall cease to exist and the number of Divisional Branch Vice-Presidents (honorary), referred to in sub-rule (vi)(a) herein, shall be increased to four (4).

(vii) The officers of the South Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the South Australia Divisional Branch shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(viii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) during the period of 12 months immediately preceding the calling of nominations was not unfinancial for a period longer than 3 months

(C) has been a financial member of the Divisional Branch for the continuous period specified in the scale in sub-rule (a)(vii) herein immediately preceding the calling of nominations and

(D) was, for not less than three quarters of the period of time from the date of certification of this sub-rule (or in the case of any amendments thereto, from the date of certification of such amendments) until the calling of nominations, or a total period of 9 months during the period of twelve months immediately preceding the calling of nominations, whichever is the lesser:

(i) employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch;

(ii) unemployed on account of illness, incapacity or inability to obtain employment; or

(iii) engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto

may nominate for such positions according to that scale.

(ii) deleted

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(v) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(vi) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vii) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	) 3 years'
Divisional Branch President	
Divisional Branch Senior Vice-President and Vice President	) financial
	) membership
Divisional Branch Delegate to Divisional Conference	)
	)
Divisional Branch Management	)
Committee Member	) 1 year's
District Secretary/Organiser	) financial
Organiser	) membership
Divisional Branch Councillor, representatives	) financial) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where

practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the

Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6

months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

(ee) The holders of the offices in the Victorian FEDFA Divisional Branch identified under the heading ‘FEDFA Offices’ in the table set out below, elected in the 2004 elections, shall, upon the merger of the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch referred to in paragraph 18(e)(ii) of these Divisional Rules, thereupon cease to occupy any office in the Victorian FEDFA Divisional Branch, and shall thereupon occupy the corresponding offices in the merged branch identified under the heading ‘Merged Branch Offices’ in the table set out below.

FEDFA Offices	Merged Branch Offices
Branch President	Branch Senior Vice President (FEDFA)
Branch Secretary	Branch Assistant Secretary (FEDFA)
Branch Assistant Secretary	Branch Vice-President (FEDFA)
Branch Vice President	Organiser
Organisers	Organisers
Member of Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Organisers' Representative on Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Member of Divisional Branch Council	Member of Divisional Branch Council

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule

2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	1235 - 1890 Inclusive
	2000 - 2013 Inclusive
	2014 - 2077 Inclusive
	2079 - 2098 Inclusive
	2099 - 2128 Inclusive
	2129 - 2148 Inclusive
	2150 - 2158 Inclusive
	2160 - 2172 Inclusive
	2174
	2175
	2176 - 2177
	2190 - 2200 Inclusive
	2203 - 2234 Inclusive
	2557 - 2560 Inclusive
	2563 - 2573 Inclusive
	2745
	2747 - 2768 Inclusive
	2770
	2773 - 2786 Inclusive
Newcastle	2159
	2250 - 2251
	2253 - 2265 Inclusive
	2267
	2278
	2280 - 2287 Inclusive
	2289 - 2296 Inclusive
	2297 - 2307 Inclusive
	2309 - 2312 Inclusive
	2314 - 2317
	2319 - 2323 Inclusive

	2324 - 2327 Inclusive 2330 - 2331 2334 – 2335 2420 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 - 2527 Inclusive 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2537 2539 2540 - 2541 2574 - 2576 Inclusive 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii)(A) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule A) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

On and from 2 January 2009, or the declaration of the election in 2008, whichever is the later, the Divisional Branch Management Committee shall, at its first meeting held following the quadrennial election, elect from its members a Divisional Branch Vice-President who shall not, apart from holding the office of Divisional Branch Management Committee member, hold any other office in the Union.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Management Committee may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(B)In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia

On and from the date of certification of this sub-rule and until 2 January 2001, in Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Divisional Branch Council members:

Peter Ballard
Peter Delaney
Kevin Ennor
Steve Evans
James Fox
Mark Hudston
Tony Kelly
Dave King

Ron Kinney
Tony Lovett
Peter McGraham
Kevin McGuire
Roy McIlwaine
Mick McMahon
Terry McParland
Peter Morrison
Graham Pallot
Daron Smith
Bob Wade
Paul Wrzos

On and from 2 January 2001 the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(vi) Victoria

a. In Victoria, from the date of the certification of this sub-rule, and for the balance of the 2004-2008 term of office, the members of the Divisional Branch Council shall consist of

i. All of those persons who were elected as members of the Divisional Branch Council of the Victorian Building Unions Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule; plus
ii. All of those persons who were elected as members of the Divisional Branch Council of the Victorian FEDFA Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule;

b. On and from the elections for members of the Divisional Branch Council to be held in 2008, the members of the Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with sub-rule (c) hereof.

c. The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be

representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

d. The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

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(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 25 other members consisting of 3 members eligible pursuant to National Rule 2(E), 9 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer. Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25 and 9 in the immediately preceding sentence shall be read as 26 and 10 respectively.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 14 other members, consisting of 3 carpenters, 3 builders labourers, 3 FEDFA (ie those eligible for membership pursuant to National Rule 2(E)), and 2 members from the combined classifications of bricklayer, plasterer and painter together with three other members of the Divisional Branch engaged in any off-site fixed establishment in the State of Tasmania.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in Tasmania the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a)

(1) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Secretary;

C. all the Divisional Branch Assistant Secretaries; and

D. 3 members elected by and from the Divisional Branch Management Committee, 1 of whom is eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii); 1 of whom is eligible for membership pursuant to National Rule 2(A)(b); and 1 of whom is eligible for membership pursuant to National Rule 2(E).

(2) On and from 2 January, 2009 or the declaration of the election in 2008, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. all the Divisional Branch Assistant Secretaries; and

E. a member elected by, and from, the members of the Divisional Branch Management Committee, who are not full time officials or hold any other office other than the office of Divisional Branch Management Committee member, at its first meeting held following a quadrennial election.

(3) Such election shall be conducted, the necessary changes being made, in accordance with Rule 9 of the Divisional Rules.

(4) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in (1) and (2) of this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

(b) Without affecting the term of office of persons holding office as Divisional Branch Executive members immediately prior to the date of certification of this sub-rule, the Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall, on and from 2 January, 1997 or the declaration of the election in 1996, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), 2 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, 2 Divisional Branch Assistant Secretaries (including Assistant Secretary (Plasterer)) and eleven other members. Provided however that there shall be at least 1 painter, 1 FEDFA (ie person eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and 1 other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in the Australian Capital Territory the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(vii) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) Victoria

(a) In Victoria, from the date of the certification of this sub-rule, and for the balance of the 2004-2008 term of office, the members of the Divisional Branch Management Committee shall consist of

(i) all of the persons who were elected as members of the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule; plus

(ii) all of the persons who were elected as members of the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule.

(b) On and from the elections for members of the Divisional Branch Management Committee to be held for Victoria in 2008, the members of the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, the Divisional Branch Assistant Secretary (FEDFA), the Divisional Branch Senior Vice-President (FEDFA), the 4 Divisional Branch Vice-Presidents, and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tillers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vii) In South Australia the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, three (3) Divisional Branch Management Committee members and three (3) Organisers (one of whom shall represent members eligible for membership of the former Construction Labourers Divisional Branch on the Divisional Branch Management Committee and one of whom shall represent members eligible for membership of the former Construction Workers Divisional Branch, on the Divisional Branch Management Committee).

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in South Australia the Divisional Branch Management Committee shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of Awards and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA)

(i) In the Victorian Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA).

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional

Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victorian Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria, the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria, the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in

accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER AND SENIOR VICE-PRESIDENT (SOUTH AUSTRALIA)

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the South Australian Divisional Branch the Divisional Branch Senior Vice President shall be a full time position. He/she shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President.

The Divisional Branch Senior Vice President shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall work under the direction of the Divisional Branch Secretary. He/she shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

48B DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other

functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY(FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional

Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is

then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and shall place the number 2,3,4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters; preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as

may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination

and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES

70 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division to which all members who are eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia, together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) The officers of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.) (Honorary).

(ii) deleted

(iii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

(iv) deleted

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch Management Committee on a quota of one additional Management Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

In the absence of the Industry Divisional Branch President the Industry Divisional Branch Management Committee shall elect from amongst its members a person to chair the meeting.

74 - SUB-BRANCH RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) A capitation fee shall be paid by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day

before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

79 - VARIATION TO RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Management Committee

80 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

81 - DISSOLUTION OF BRANCH

(a) The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Industry Divisional Branch members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch, to close down or otherwise restructure the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch is dissolved, members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

82 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

83 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

84 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall be elected by and from all members of the Industry Divisional Branch.

(b) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

(c) Each of the Industry Divisional Branch Assistant Secretaries and Management Committee members shall be elected by and from those members in each of the corresponding states for which such positions exist.

END OF RULES

[105N-BWIU: Incorporates alterations of 16/03/2009 in matter R2009/249]

I CERTIFY under section 161 of Schedule 1 of the Workplace Relations Act 1996 that the pages herein numbered 1 to 76 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member in the States and Territory of Queensland, New South Wales, South Australia, The Australian Capital Territory, Northern Territory, Tasmania, Victoria, and Western Australia, who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for The Building Workers' Industrial Union of Australia (or any branch thereof) or used by or for The Operative Plasterers and Plaster Workers' Federation of Australia (or any branch thereof) or Federated Engine Drivers and Firemen's Association of Australasia (or any Branch thereof) any other Union (or branch thereof) which has amalgamated with this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the National Building and Construction Industry Award 1990 or any award of the Australian Industrial Relations Commission replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the Australian Industrial Relations Commission.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5 and/or 6, be entitled to all the benefits of membership.

2. Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for a period or amount arising before or after the certification of this rule change for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) without being limited by any of the foregoing, any other hardship, or prejudice or disadvantage;

(e) periods on workers' compensations or on any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Further provided that the former members of the Federal Council of the Operative Painters and Decorators Union shall, upon amalgamation, be and remain, until the general election, members of the Divisional Conference. Such persons shall remain delegates to the Divisional Conference until 2 January 1997. Thereafter, any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, until the declaration of the election in 2004 only, be, by virtue of the holding of such office, a member of the Divisional Conference. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Conference.

Further provided that those persons from the former Construction Labourers, Plasterers and Painters and the Construction Workers Divisional Branches in Western Australia who were Divisional Branch Delegates to Divisional Conference immediately prior to the integration of those Divisional Branches occurring, shall be members of the Divisional Conference until 2 January, 2001.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(a) Provided however that, notwithstanding any other rule to the contrary, if a delegate of the NSW Divisional Branch to Divisional Conference elected in the 2004 elections dies or resigns or otherwise ceases to be a delegate, the vacancy in that position shall not be filled if the result of it being filled is that the number of delegates of the NSW Divisional Branch to Divisional Conference exceeds 13, and instead the position shall, by operation of this sub-rule, be abolished.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victorian Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victorian Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victorian Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) The expenses of delegates and Divisional Officers shall be paid by the Divisional Executive as follows: First class train fare with sleeper or, alternatively, plane fare. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing

to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held not later than December 31, 1993 and biennially thereafter at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the

date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, telegraphic, facsimile and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, as the case may be, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

For the purposes of this sub-paragraph, any reference to a "matter or matters" shall be taken as a reference to a matter or matters raised with the Divisional Executive before or after the date upon which this sub-paragraph takes effect.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

Further, the Victorian Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

Further, and until the expiry of the term of office of the Divisional Executive members in 2009 only, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Vice-President (WA Divisional Branch) and one representative from each of the NSW, Queensland Construction Workers and Victorian Divisional Branches. The Divisional Vice-President (WA Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Western Australian Divisional Branch. Each of the three representatives from the NSW, Queensland Construction Workers and Victorian Divisional Branches shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches, provided however that only persons who are eligible for membership of the union under Rule 2(E) of the National Rules shall be eligible for nomination and election to the three such positions.

The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, only until the declaration of the election in 2004, be a member of the Divisional Executive. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be

conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

   The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

   The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

   Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

(b) deleted

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter or telegram or telex or facsimile or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the clerical, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary that is not the designated Divisional Assistant Secretary in the case of the incumbent as at the date of certification of this rule amendment, may revert to an honorary office with the consent of that incumbent. Thereafter the office may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional President or the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in the States of Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2013. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January, 2010.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this

rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

Further provided that on and from 2 January 2005 or the declaration of the election in 2004 whichever is the later, this sub-rule shall have no application to the South Australian Divisional Branch.

(vi) Any reference in sub-paragraph (c) (iv and v) herein to the Building Unions Division, shall where the context permits, be taken to be a reference to the Construction and General Division.

(d) On and from the date of certification of this sub-rule, and until 2 January , 2001, the Officers of the CFMEU, Construction and General Division, Western Australia Divisional Branch shall be :-

Divisional Branch President	Kevin McParland
Divisional Branch Senior Vice President	Dave Simpson
Divisional Branch Vice President	Les Wellington
Divisional Branch Secretary	Kevin Reynolds
Divisional Branch Assistant Secretaries	Joe McDonald
	Kim Young
Divisional Branch Treasurer	Robert Olsen
Divisional Branch Trustees	Ian Hawkens
	Jim Reid
	Alan Williams
Divisional Branch Management Committee	Robert Manwaring
	Bernie Musial
	Brian Churchill
	Glen Hawkins
	Mick Holly
Divisional Branch Organisers	Mark Hudston
	Daron Smith
	Kevin Ennor
	Graham Pallot
	Dave King
	Jim Reid

(e) Victoria

(i) In the State of Victoria the branch shall be called the Victorian Divisional Branch, and it shall consist of all persons in the State of Victoria who are eligible to be members of the Division.

(ii) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(iii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(f) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 361 Kent Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $20.00 and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $20.00.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $20.00 in any calendar year be imposed on any member or members.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, telegram, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland and Victoria in accordance with Rule 18 of these rules.

(c) There shall be an Industry Divisional Branch to be known as the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch. Sub-Branches of that Industry Divisional Branch shall be known as "X (Brick, Tile, Pottery, Construction Materials and Related Products) Sub-Branch" where X is the State or Territory concerned.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that in Western Australia membership shall be determined in accordance with Rule 18 herein and further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 30 June 2008, be and remain members of the Western Australian Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Divisional Branch

(a) The record of members of the Victorian Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victorian Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victorian Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Divisional Branch accordingly.

(e) The Victorian Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victorian Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Western Australia Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the Western Australian Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the National Building and Construction Industry Award 1990 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Notwithstanding the foregoing, a member of the Victorian Divisional Branch who was a member of the Operative Painters and Decorators Union on 25 March 1993 and had paid his/her membership contribution up to 28 February 1994 shall be deemed, for all purposes, to be financial for the period 1 March 1994 to 30 September 1994 on the payment by that member of his/her membership contribution calculated in accordance with this Rule for the half year commencing on 1 April 1994.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Further provided that in the case of the Queensland Construction Workers Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not

be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or on an injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $2 per copy.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other

authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b) A member who has been financial for 12 months at the time of becoming unemployed or unfinancial for a period of more than three months through sickness or other reasonable cause may have any contribution, fee, levy or other arrear cancelled, waived, credited or otherwise diminished in whole or in part if, in the opinion and absolute discretion of the Divisional Branch Management Committee, such a course of conduct is appropriate. Provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

Any credit, cancellation, waiver or diminution so granted by the Divisional Branch Management Committee shall be deducted from the amount of contributions, fees, levies or arrears due and payable by the member on the records of the Union.

Such cancellation, waiver, credit or diminution may be granted for any period either before or after the certification of this Rule change or before or after any application or proper case being presented for such cancellation, waiver, credit or diminution.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President, two Divisional Branch Vice-Presidents, (which positions shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Tasmanian Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January 2005 or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a

Divisional Branch Assistant Secretary (Painters), three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Vice-President (which position will be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and a Divisional Branch Executive Member, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, two Divisional Branch Assistant Secretaries (one of whom shall be from the former Operative Plasterers and Plaster Workers Federation until 1997 and thereafter the position shall be designated Assistant Secretary (Plasterers), Divisional Branch Organisers, and Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Committee of Management.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the ACT Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) Victorian Divisional Branch

(a) In Victoria, the officers of the Divisional Branch shall be the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In addition to the officers identified in sub-paragraph (a) hereof, the officers of the Victorian Branch shall also include a Divisional Branch Senior Vice-President (FEDFA) and a Divisional Branch Assistant Secretary (FEDFA), both of which shall be paid, full-time positions, and a Divisional Branch Vice-President (FEDFA), which shall be an honorary position.

(c) Those officers referred to in sub-paragraph (b) hereof shall be occupied for the duration or balance of the 2004-2008 term subsequent to the certification of this sub-rule, in accordance with sub-rule 38(ee) of these Divisional Rules. After the conclusion of the 2004-2008 term these offices shall be filled by election in the normal way. Provided however that on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, the office of Divisional Branch Vice-President (FEDFA) shall cease to exist and the number of Divisional Branch Vice-Presidents (honorary), referred to in sub-rule (vi)(a) herein, shall be increased to four (4).

(vii) The officers of the South Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the South Australia Divisional Branch shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(viii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) during the period of 12 months immediately preceding the calling of nominations was not unfinancial for a period longer than 3 months

(C) has been a financial member of the Divisional Branch for the continuous period specified in the scale in sub-rule (a)(vii) herein immediately preceding the calling of nominations and

(D) was, for not less than three quarters of the period of time from the date of certification of this sub-rule (or in the case of any amendments thereto, from the date of certification of such amendments) until the calling of nominations, or a total period of 9 months during the period of twelve months immediately preceding the calling of nominations, whichever is the lesser:

(i) employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch;

(ii) unemployed on account of illness, incapacity or inability to obtain employment; or

(iii) engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto

may nominate for such positions according to that scale.

(ii) deleted

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(v) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(vi) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vii) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	) 3 years'
Divisional Branch President	
Divisional Branch Senior Vice-President and Vice President	) financial
	) membership
Divisional Branch Delegate to Divisional Conference	)
	)
Divisional Branch Management	)
Committee Member	) 1 year's
District Secretary/Organiser	) financial
Organiser	) membership
Divisional Branch Councillor, representatives	) financial) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where

practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the

Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6

months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

(ee) The holders of the offices in the Victorian FEDFA Divisional Branch identified under the heading ‘FEDFA Offices’ in the table set out below, elected in the 2004 elections, shall, upon the merger of the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch referred to in paragraph 18(e)(ii) of these Divisional Rules, thereupon cease to occupy any office in the Victorian FEDFA Divisional Branch, and shall thereupon occupy the corresponding offices in the merged branch identified under the heading ‘Merged Branch Offices’ in the table set out below.

FEDFA Offices	Merged Branch Offices
Branch President	Branch Senior Vice President (FEDFA)
Branch Secretary	Branch Assistant Secretary (FEDFA)
Branch Assistant Secretary	Branch Vice-President (FEDFA)
Branch Vice President	Organiser
Organisers	Organisers
Member of Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Organisers' Representative on Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Member of Divisional Branch Council	Member of Divisional Branch Council

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule

2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	1235 - 1890 Inclusive
	2000 - 2013 Inclusive
	2014 - 2077 Inclusive
	2079 - 2098 Inclusive
	2099 - 2128 Inclusive
	2129 - 2148 Inclusive
	2150 - 2158 Inclusive
	2160 - 2172 Inclusive
	2174
	2175
	2176 - 2177
	2190 - 2200 Inclusive
	2203 - 2234 Inclusive
	2557 - 2560 Inclusive
	2563 - 2573 Inclusive
	2745
	2747 - 2768 Inclusive
	2770
	2773 - 2786 Inclusive
Newcastle	2159
	2250 - 2251
	2253 - 2265 Inclusive
	2267
	2278
	2280 - 2287 Inclusive
	2289 - 2296 Inclusive
	2297 - 2307 Inclusive
	2309 - 2312 Inclusive
	2314 - 2317
	2319 - 2323 Inclusive

	2324 - 2327 Inclusive 2330 - 2331 2334 – 2335 2420 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 - 2527 Inclusive 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2537 2539 2540 - 2541 2574 - 2576 Inclusive 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii)(A) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule A) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

On and from 2 January 2009, or the declaration of the election in 2008, whichever is the later, the Divisional Branch Management Committee shall, at its first meeting held following the quadrennial election, elect from its members a Divisional Branch Vice-President who shall not, apart from holding the office of Divisional Branch Management Committee member, hold any other office in the Union.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Management Committee may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(B)In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia

On and from the date of certification of this sub-rule and until 2 January 2001, in Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Divisional Branch Council members:

Peter Ballard
Peter Delaney
Kevin Ennor
Steve Evans
James Fox
Mark Hudston
Tony Kelly
Dave King

Ron Kinney
Tony Lovett
Peter McGraham
Kevin McGuire
Roy McIlwaine
Mick McMahon
Terry McParland
Peter Morrison
Graham Pallot
Daron Smith
Bob Wade
Paul Wrzos

On and from 2 January 2001 the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(vi) Victoria

a. In Victoria, from the date of the certification of this sub-rule, and for the balance of the 2004-2008 term of office, the members of the Divisional Branch Council shall consist of

i. All of those persons who were elected as members of the Divisional Branch Council of the Victorian Building Unions Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule; plus
ii. All of those persons who were elected as members of the Divisional Branch Council of the Victorian FEDFA Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule;

b. On and from the elections for members of the Divisional Branch Council to be held in 2008, the members of the Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with sub-rule (c) hereof.

c. The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be

representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

d. The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 25 other members consisting of 3 members eligible pursuant to National Rule 2(E), 9 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer. Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25 and 9 in the immediately preceding sentence shall be read as 26 and 10 respectively.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 14 other members, consisting of 3 carpenters, 3 builders labourers, 3 FEDFA (ie those eligible for membership pursuant to National Rule 2(E)), and 2 members from the combined classifications of bricklayer, plasterer and painter together with three other members of the Divisional Branch engaged in any off-site fixed establishment in the State of Tasmania.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in Tasmania the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a)

(1) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Secretary;

C. all the Divisional Branch Assistant Secretaries; and

D. 3 members elected by and from the Divisional Branch Management Committee, 1 of whom is eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii); 1 of whom is eligible for membership pursuant to National Rule 2(A)(b); and 1 of whom is eligible for membership pursuant to National Rule 2(E).

(2) On and from 2 January, 2009 or the declaration of the election in 2008, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. all the Divisional Branch Assistant Secretaries; and

E. a member elected by, and from, the members of the Divisional Branch Management Committee, who are not full time officials or hold any other office other than the office of Divisional Branch Management Committee member, at its first meeting held following a quadrennial election.

(3) Such election shall be conducted, the necessary changes being made, in accordance with Rule 9 of the Divisional Rules.

(4) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in (1) and (2) of this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

(b) Without affecting the term of office of persons holding office as Divisional Branch Executive members immediately prior to the date of certification of this sub-rule, the Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall, on and from 2 January, 1997 or the declaration of the election in 1996, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), 2 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, 2 Divisional Branch Assistant Secretaries (including Assistant Secretary (Plasterer)) and eleven other members. Provided however that there shall be at least 1 painter, 1 FEDFA (ie person eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and 1 other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in the Australian Capital Territory the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(vii) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) Victoria

(a) In Victoria, from the date of the certification of this sub-rule, and for the balance of the 2004-2008 term of office, the members of the Divisional Branch Management Committee shall consist of

(i) all of the persons who were elected as members of the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule; plus

(ii) all of the persons who were elected as members of the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule.

(b) On and from the elections for members of the Divisional Branch Management Committee to be held for Victoria in 2008, the members of the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, the Divisional Branch Assistant Secretary (FEDFA), the Divisional Branch Senior Vice-President (FEDFA), the 4 Divisional Branch Vice-Presidents, and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tillers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vii) In South Australia the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, three (3) Divisional Branch Management Committee members and three (3) Organisers (one of whom shall represent members eligible for membership of the former Construction Labourers Divisional Branch on the Divisional Branch Management Committee and one of whom shall represent members eligible for membership of the former Construction Workers Divisional Branch, on the Divisional Branch Management Committee).

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in South Australia the Divisional Branch Management Committee shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of Awards and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA)

(i) In the Victorian Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA).

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional

Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victorian Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria, the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria, the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in

accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER AND SENIOR VICE-PRESIDENT (SOUTH AUSTRALIA)

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the South Australian Divisional Branch the Divisional Branch Senior Vice President shall be a full time position. He/she shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President.

The Divisional Branch Senior Vice President shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall work under the direction of the Divisional Branch Secretary. He/she shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

48B DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other

functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY(FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional

Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is

then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and shall place the number 2,3,4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters; preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as

may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination

and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES

70 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division to which all members who are eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia, together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) The officers of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.) (Honorary).

(ii) deleted

(iii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

(iv) deleted

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch Management Committee on a quota of one additional Management Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

In the absence of the Industry Divisional Branch President the Industry Divisional Branch Management Committee shall elect from amongst its members a person to chair the meeting.

74 - SUB-BRANCH RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) A capitation fee shall be paid by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day

before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

79 - VARIATION TO RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Management Committee

80 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

81 - DISSOLUTION OF BRANCH

(a) The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Industry Divisional Branch members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch, to close down or otherwise restructure the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch is dissolved, members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

82 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

83 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

84 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall be elected by and from all members of the Industry Divisional Branch.

(b) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

(c) Each of the Industry Divisional Branch Assistant Secretaries and Management Committee members shall be elected by and from those members in each of the corresponding states for which such positions exist.

END OF RULES

[105N-BWIU: Incorporates alterations of 3/12/2009 in matter R2009/10063]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 76 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF GENERAL MANAGER

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of Fair Work Australia.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member in the States and Territory of Queensland, New South Wales, South Australia, The Australian Capital Territory, Northern Territory, Tasmania, Victoria, and Western Australia, who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for The Building Workers' Industrial Union of Australia (or any branch thereof) or used by or for The Operative Plasterers and Plaster Workers' Federation of Australia (or any branch thereof) or Federated Engine Drivers and Firemen's Association of Australasia (or any Branch thereof) any other Union (or branch thereof) which has amalgamated with this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the National Building and Construction Industry Award 1990 or any award of the Australian Industrial Relations Commission replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the Australian Industrial Relations Commission.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5 and/or 6, be entitled to all the benefits of membership.

2. Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee may, in its discretion cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for a period or amount arising before or after the certification of this rule change for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) without being limited by any of the foregoing, any other hardship, or prejudice or disadvantage;

(e) periods on workers' compensations or on any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Further provided that the former members of the Federal Council of the Operative Painters and Decorators Union shall, upon amalgamation, be and remain, until the general election, members of the Divisional Conference. Such persons shall remain delegates to the Divisional Conference until 2 January 1997. Thereafter, any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, until the declaration of the election in 2004 only, be, by virtue of the holding of such office, a member of the Divisional Conference. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Conference.

Further provided that those persons from the former Construction Labourers, Plasterers and Painters and the Construction Workers Divisional Branches in Western Australia who were Divisional Branch Delegates to Divisional Conference immediately prior to the integration of those Divisional Branches occurring, shall be members of the Divisional Conference until 2 January, 2001.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(a) Provided however that, notwithstanding any other rule to the contrary, if a delegate of the NSW Divisional Branch to Divisional Conference elected in the 2004 elections dies or resigns or otherwise ceases to be a delegate, the vacancy in that position shall not be filled if the result of it being filled is that the number of delegates of the NSW Divisional Branch to Divisional Conference exceeds 13, and instead the position shall, by operation of this sub-rule, be abolished.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victorian Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victorian Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victorian Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) The expenses of delegates and Divisional Officers shall be paid by the Divisional Executive as follows: First class train fare with sleeper or, alternatively, plane fare. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing

to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held not later than December 31, 1993 and biennially thereafter at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the

date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, telegraphic, facsimile and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, as the case may be, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

For the purposes of this sub-paragraph, any reference to a "matter or matters" shall be taken as a reference to a matter or matters raised with the Divisional Executive before or after the date upon which this sub-paragraph takes effect.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

Further, the Victorian Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

Further, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) and three (3) Divisional Vice-Presidents one from each of the Victorian, New South Wales and Queensland Builders Labourers Divisional Branches.

The Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Queensland Construction Workers Divisional Branch. Each of the three Divisional Vice-Presidents shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches.

The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, only until the declaration of the election in 2004, be a member of the Divisional Executive. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be

conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

   The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

   The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

   Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

(b) deleted

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter or telegram or telex or facsimile or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the clerical, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary that is not the designated Divisional Assistant Secretary in the case of the incumbent as at the date of certification of this rule amendment, may revert to an honorary office with the consent of that incumbent. Thereafter the office may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional President or the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in the States of Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2013. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January, 2010.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy

amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

Further provided that on and from 2 January 2005 or the declaration of the election in 2004 whichever is the later, this sub-rule shall have no application to the South Australian Divisional Branch.

(vi) Any reference in sub-paragraph (c) (iv and v) herein to the Building Unions Division, shall where the context permits, be taken to be a reference to the Construction and General Division.

(d) On and from the date of certification of this sub-rule, and until 2 January , 2001, the Officers of the CFMEU, Construction and General Division, Western Australia Divisional Branch shall be :-

Divisional Branch President	Kevin McParland
Divisional Branch Senior Vice President	Dave Simpson
Divisional Branch Vice President	Les Wellington
Divisional Branch Secretary	Kevin Reynolds
Divisional Branch Assistant Secretaries	Joe McDonald
	Kim Young
Divisional Branch Treasurer	Robert Olsen
Divisional Branch Trustees	Ian Hawkens
	Jim Reid
	Alan Williams
Divisional Branch Management Committee	Robert Manwaring
	Bernie Musial
	Brian Churchill
	Glen Hawkins
	Mick Holly
Divisional Branch Organisers	Mark Hudston
	Daron Smith
	Kevin Ennor
	Graham Pallot
	Dave King
	Jim Reid

(e) Victoria

(i) In the State of Victoria the branch shall be called the Victorian Divisional Branch, and it shall consist of all persons in the State of Victoria who are eligible to be members of the Division.

(ii) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(iii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(f) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 361 Kent Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $20.00 and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $20.00.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $20.00 in any calendar year be imposed on any member or members.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, telegram, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland and Victoria in accordance with Rule 18 of these rules.

(c) There shall be an Industry Divisional Branch to be known as the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch. Sub-Branches of that Industry Divisional Branch shall be known as "X (Brick, Tile, Pottery, Construction Materials and Related Products) Sub-Branch" where X is the State or Territory concerned.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that in Western Australia membership shall be determined in accordance with Rule 18 herein and further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 30 June 2008, be and remain members of the Western Australian Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Divisional Branch

(a) The record of members of the Victorian Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victorian Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victorian Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Divisional Branch accordingly.

(e) The Victorian Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victorian Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Western Australia Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the Western Australian Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the National Building and Construction Industry Award 1990 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Notwithstanding the foregoing, a member of the Victorian Divisional Branch who was a member of the Operative Painters and Decorators Union on 25 March 1993 and had paid his/her membership contribution up to 28 February 1994 shall be deemed, for all purposes, to be financial for the period 1 March 1994 to 30 September 1994 on the payment by that member of his/her membership contribution calculated in accordance with this Rule for the half year commencing on 1 April 1994.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Further provided that in the case of the Queensland Construction Workers Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not

be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or on an injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $2 per copy.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other

authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b) A member who has been financial for 12 months at the time of becoming unemployed or unfinancial for a period of more than three months through sickness or other reasonable cause may have any contribution, fee, levy or other arrear cancelled, waived, credited or otherwise diminished in whole or in part if, in the opinion and absolute discretion of the Divisional Branch Management Committee, such a course of conduct is appropriate. Provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

Any credit, cancellation, waiver or diminution so granted by the Divisional Branch Management Committee shall be deducted from the amount of contributions, fees, levies or arrears due and payable by the member on the records of the Union.

Such cancellation, waiver, credit or diminution may be granted for any period either before or after the certification of this Rule change or before or after any application or proper case being presented for such cancellation, waiver, credit or diminution.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President, two Divisional Branch Vice-Presidents, (which positions shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Tasmanian Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January 2005 or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a

Divisional Branch Assistant Secretary (Painters), three (3) Divisional Branch Vice-Presidents and Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Vice-President (which position will be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and a Divisional Branch Executive Member, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, two Divisional Branch Assistant Secretaries (one of whom shall be from the former Operative Plasterers and Plaster Workers Federation until 1997 and thereafter the position shall be designated Assistant Secretary (Plasterers), Divisional Branch Organisers, and Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Committee of Management.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the ACT Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) Victorian Divisional Branch

(a) In Victoria, the officers of the Divisional Branch shall be the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In addition to the officers identified in sub-paragraph (a) hereof, the officers of the Victorian Branch shall also include a Divisional Branch Senior Vice-President (FEDFA) and a Divisional Branch Assistant Secretary (FEDFA), both of which shall be paid, full-time positions, and a Divisional Branch Vice-President (FEDFA), which shall be an honorary position.

(c) Those officers referred to in sub-paragraph (b) hereof shall be occupied for the duration or balance of the 2004-2008 term subsequent to the certification of this sub-rule, in accordance with sub-rule 38(ee) of these Divisional Rules. After the conclusion of the 2004-2008 term these offices shall be filled by election in the normal way. Provided however that on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, the office of Divisional Branch Vice-President (FEDFA) shall cease to exist and the number of Divisional Branch Vice-Presidents (honorary), referred to in sub-rule (vi)(a) herein, shall be increased to four (4).

(vii) The officers of the South Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees and the members of the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the South Australia Divisional Branch shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(viii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) during the period of 12 months immediately preceding the calling of nominations was not unfinancial for a period longer than 3 months

(C) has been a financial member of the Divisional Branch for the continuous period specified in the scale in sub-rule (a)(vii) herein immediately preceding the calling of nominations and

(D) was, for not less than three quarters of the period of time from the date of certification of this sub-rule (or in the case of any amendments thereto, from the date of certification of such amendments) until the calling of nominations, or a total period of 9 months during the period of twelve months immediately preceding the calling of nominations, whichever is the lesser:

(i) employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch;

(ii) unemployed on account of illness, incapacity or inability to obtain employment; or

(iii) engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto

may nominate for such positions according to that scale.

(ii) deleted

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(v) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(vi) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vii) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)	
Divisional Branch Secretary/Treasurer	)	
Divisional Branch Assistant Secretary	)	3 years'
Divisional Branch President		
Divisional Branch Senior Vice-President and Vice President	)	financial
	)	membership
Divisional Branch Delegate to Divisional Conference	)	
	)	
Divisional Branch Management	)	
Committee Member	)	1 year's
District Secretary/Organiser	)	financial
Organiser	)	membership
Divisional Branch Councillor, representatives	)	financial
	)	membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where

practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the

Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6

months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

(ee) The holders of the offices in the Victorian FEDFA Divisional Branch identified under the heading ‘FEDFA Offices’ in the table set out below, elected in the 2004 elections, shall, upon the merger of the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch referred to in paragraph 18(e)(ii) of these Divisional Rules, thereupon cease to occupy any office in the Victorian FEDFA Divisional Branch, and shall thereupon occupy the corresponding offices in the merged branch identified under the heading ‘Merged Branch Offices’ in the table set out below.

FEDFA Offices	Merged Branch Offices
Branch President	Branch Senior Vice President (FEDFA)
Branch Secretary	Branch Assistant Secretary (FEDFA)
Branch Assistant Secretary	Branch Vice-President (FEDFA)
Branch Vice President	Organiser
Organisers	Organisers
Member of Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Organisers' Representative on Divisional Branch Management Committee	Member of Divisional Branch Management Committee
Member of Divisional Branch Council	Member of Divisional Branch Council

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule

2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	1235 - 1890 Inclusive
	2000 - 2013 Inclusive
	2014 - 2077 Inclusive
	2079 - 2098 Inclusive
	2099 - 2128 Inclusive
	2129 - 2148 Inclusive
	2150 - 2158 Inclusive
	2160 - 2172 Inclusive
	2174
	2175
	2176 - 2177
	2190 - 2200 Inclusive
	2203 - 2234 Inclusive
	2557 - 2560 Inclusive
	2563 - 2573 Inclusive
	2745
	2747 - 2768 Inclusive
	2770
	2773 - 2786 Inclusive
Newcastle	2159
	2250 - 2251
	2253 - 2265 Inclusive
	2267
	2278
	2280 - 2287 Inclusive
	2289 - 2296 Inclusive
	2297 - 2307 Inclusive
	2309 - 2312 Inclusive
	2314 - 2317
	2319 - 2323 Inclusive

	2324 - 2327 Inclusive 2330 - 2331 2334 – 2335 2420 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 - 2527 Inclusive 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2537 2539 2540 - 2541 2574 - 2576 Inclusive 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii)(A) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule A) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

On and from 2 January 2009, or the declaration of the election in 2008, whichever is the later, the Divisional Branch Management Committee shall, at its first meeting held following the quadrennial election, elect from its members a Divisional Branch Vice-President who shall not, apart from holding the office of Divisional Branch Management Committee member, hold any other office in the Union.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Management Committee may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(B)In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia

On and from the date of certification of this sub-rule and until 2 January 2001, in Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Divisional Branch Council members:

Peter Ballard
Peter Delaney
Kevin Ennor
Steve Evans
James Fox
Mark Hudston
Tony Kelly
Dave King

Ron Kinney
Tony Lovett
Peter McGraham
Kevin McGuire
Roy McIlwaine
Mick McMahon
Terry McParland
Peter Morrison
Graham Pallot
Daron Smith
Bob Wade
Paul Wrzos

On and from 2 January 2001 the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(vi) Victoria

a. In Victoria, from the date of the certification of this sub-rule, and for the balance of the 2004-2008 term of office, the members of the Divisional Branch Council shall consist of

i. All of those persons who were elected as members of the Divisional Branch Council of the Victorian Building Unions Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule; plus
ii. All of those persons who were elected as members of the Divisional Branch Council of the Victorian FEDFA Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule;

b. On and from the elections for members of the Divisional Branch Council to be held in 2008, the members of the Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with sub-rule (c) hereof.

c. The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be

representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

d. The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 25 other members consisting of 3 members eligible pursuant to National Rule 2(E), 9 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer. Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25 and 9 in the immediately preceding sentence shall be read as 26 and 10 respectively.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 14 other members, consisting of 3 carpenters, 3 builders labourers, 3 FEDFA (ie those eligible for membership pursuant to National Rule 2(E)), and 2 members from the combined classifications of bricklayer, plasterer and painter together with three other members of the Divisional Branch engaged in any off-site fixed establishment in the State of Tasmania.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in Tasmania the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a)

(1) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Secretary;

C. all the Divisional Branch Assistant Secretaries; and

D. 3 members elected by and from the Divisional Branch Management Committee, 1 of whom is eligible for membership pursuant to National Rule 2(A)(a)(i) and (ii); 1 of whom is eligible for membership pursuant to National Rule 2(A)(b); and 1 of whom is eligible for membership pursuant to National Rule 2(E).

(2) On and from 2 January, 2009 or the declaration of the election in 2008, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. all the Divisional Branch Assistant Secretaries; and

E. a member elected by, and from, the members of the Divisional Branch Management Committee, who are not full time officials or hold any other office other than the office of Divisional Branch Management Committee member, at its first meeting held following a quadrennial election.

(3) Such election shall be conducted, the necessary changes being made, in accordance with Rule 9 of the Divisional Rules.

(4) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in (1) and (2) of this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

(b) Without affecting the term of office of persons holding office as Divisional Branch Executive members immediately prior to the date of certification of this sub-rule, the Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall, on and from 2 January, 1997 or the declaration of the election in 1996, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), 2 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, 2 Divisional Branch Assistant Secretaries (including Assistant Secretary (Plasterer)) and eleven other members. Provided however that there shall be at least 1 painter, 1 FEDFA (ie person eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and 1 other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in the Australian Capital Territory the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(vii) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) Victoria

(a) In Victoria, from the date of the certification of this sub-rule, and for the balance of the 2004-2008 term of office, the members of the Divisional Branch Management Committee shall consist of

(i) all of the persons who were elected as members of the Divisional Branch Management Committee of the Victorian Building Unions Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule; plus

(ii) all of the persons who were elected as members of the Divisional Branch Management Committee of the Victorian FEDFA Divisional Branch in the elections of 2004 and who held office immediately prior to the certification of this sub-rule.

(b) On and from the elections for members of the Divisional Branch Management Committee to be held for Victoria in 2008, the members of the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, the Divisional Branch Assistant Secretary (FEDFA), the Divisional Branch Senior Vice-President (FEDFA), the 4 Divisional Branch Vice-Presidents, and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tillers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vii) In South Australia the Divisional Branch Management Committee shall, on and from 2 January 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, three (3) Divisional Branch Management Committee members and three (3) Organisers (one of whom shall represent members eligible for membership of the former Construction Labourers Divisional Branch on the Divisional Branch Management Committee and one of whom shall represent members eligible for membership of the former Construction Workers Divisional Branch, on the Divisional Branch Management Committee).

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, in South Australia the Divisional Branch Management Committee shall, on and from 2 January, 2005, or the declaration of the election in 2004, whichever is the later, consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of Awards and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA)

(i) In the Victorian Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA).

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional

Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victorian Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria, the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria, the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in

accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER AND SENIOR VICE-PRESIDENT (SOUTH AUSTRALIA)

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the South Australian Divisional Branch the Divisional Branch Senior Vice President shall be a full time position. He/she shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President.

The Divisional Branch Senior Vice President shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall work under the direction of the Divisional Branch Secretary. He/she shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

48B DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other

functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY(FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional

Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is

then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and shall place the number 2,3,4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters; preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as

may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination

and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES

70 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division to which all members who are eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia, together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) The officers of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.) (Honorary).

(ii) deleted

(iii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

(iv) deleted

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch Management Committee on a quota of one additional Management Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

In the absence of the Industry Divisional Branch President the Industry Divisional Branch Management Committee shall elect from amongst its members a person to chair the meeting.

74 - SUB-BRANCH RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) A capitation fee shall be paid by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day

before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

79 - VARIATION TO RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Management Committee

80 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

81 - DISSOLUTION OF BRANCH

(a) The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Industry Divisional Branch members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch, to close down or otherwise restructure the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch is dissolved, members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

82 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

83 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

84 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall be elected by and from all members of the Industry Divisional Branch.

(b) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

(c) Each of the Industry Divisional Branch Assistant Secretaries and Management Committee members shall be elected by and from those members in each of the corresponding states for which such positions exist.

END OF RULES

[105N-BWIU: Incorporates alterations of 16/02/2010 in matter R2009/10066]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 70 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF GENERAL MANAGER

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of Fair Work Australia.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victorian Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victorian Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victorian Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the

date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

Further, the Victorian Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

Further, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) and three (3) Divisional Vice-Presidents one from each of the Victorian, New South Wales and Queensland Builders Labourers Divisional Branches.

The Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Queensland Construction Workers Divisional Branch. Each of the three Divisional Vice-Presidents shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches.

The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, only until the declaration of the election in 2004, be a member of the Divisional Executive. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding

any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive

and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive

may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2013. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January, 2010.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy

amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any

Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania, Victoria and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland in accordance with Rule 18 of these rules.

(c) There shall be an Industry Divisional Branch to be known as the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch. Sub-Branches of that Industry Divisional Branch shall be known as "X (Brick, Tile, Pottery, Construction Materials and Related Products) Sub-Branch" where X is the State or Territory concerned.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 30 June 2008, be and remain members of the Western Australian Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Divisional Branch

(a) The record of members of the Victorian Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victorian Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victorian Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Divisional Branch Management Committee shall cause the member to be

notified in writing and alter the record of members of the Victorian Divisional Branch accordingly.

(e) The Victorian Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victorian Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Western Australia Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the Western Australian Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Further provided that in the case of the Queensland Construction Workers Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not

be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only

be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(b)

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such auditor shall also produce and certify a yearly balance sheet.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating

report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Vice-President (which position will be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and a Divisional Branch Executive Member, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) Victorian Divisional Branch

(a) In Victoria, the officers of the Divisional Branch shall be the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In addition to the officers identified in sub-paragraph (a) hereof, the officers of the Victorian Branch shall also include a Divisional Branch Senior Vice-President (FEDFA) and a Divisional Branch Assistant Secretary (FEDFA), both of which shall be paid, full-time positions, and a Divisional Branch Vice-President (FEDFA), which shall be an honorary position.

(c) Provided however that on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, the office of Divisional Branch Vice-President (FEDFA) shall cease to exist and the number of Divisional Branch Vice-Presidents (honorary), referred to in sub-rule (vi)(a) herein, shall be increased to four (4).

(vii) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(viii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was, for not less than 9 months during the period of twelve months immediately preceding the calling of nominations:

(i) employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch;

(ii) unemployed on account of illness, incapacity or inability to obtain employment; or

(iii) engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto

may nominate for such positions according to that scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary Divisional Branch Secretary/Treasurer Divisional Branch Assistant Secretary Divisional Branch President Divisional Branch Senior Vice-President and Vice President Divisional Branch Delegate to Divisional Conference	) 3 years' continuous financial membership
Divisional Branch Management Committee Member District Secretary/Organiser Organiser	) 1 year's continuous financial membership
Divisional Branch Councillor, representatives	) financial membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where

practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the

Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6

months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	1235 - 1890 Inclusive 2000 - 2013 Inclusive 2014 - 2077 Inclusive 2079 - 2098 Inclusive 2099 - 2128 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive 2174 2175 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2557 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2786 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2278 2280 - 2287 Inclusive 2289 - 2296 Inclusive 2297 - 2307 Inclusive 2309 - 2312 Inclusive 2314 - 2317 2319 - 2323 Inclusive 2324 - 2327 Inclusive 2330 - 2331 2334 – 2335 2420 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 - 2527 Inclusive 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2537 2539 2540 - 2541 2574 - 2576 Inclusive 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii)(A) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule A) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

On and from 2 January 2009, or the declaration of the election in 2008, whichever is the later, the Divisional Branch Management Committee shall, at its first meeting held following the quadrennial election, elect from its members a Divisional Branch Vice-President who shall not, apart from holding the office of Divisional Branch Management Committee member, hold any other office in the Union.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Management Committee may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(B)In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(vi) Victoria

a. deleted.

b. On and from the elections for members of the Divisional Branch Council to be held in 2008, the members of the Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with sub-rule (c) hereof.

c. The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be

representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

d. The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members consisting of 3 members eligible pursuant to National Rule 2(E), 10 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a)

(1) deleted.

(2) On and from 2 January, 2009 or the declaration of the election in 2008, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. all the Divisional Branch Assistant Secretaries; and

E. a member elected by, and from, the members of the Divisional Branch Management Committee, who are not full time officials or hold any other office other than the office of Divisional Branch Management Committee member, at its first meeting held following a quadrennial election.

(3) Such election shall be conducted, the necessary changes being made, in accordance with Rule 9 of the Divisional Rules.

(4) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in (1) and (2) of this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

(b) The Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) Victoria

(a) In Victoria, the members of the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, the Divisional Branch Assistant Secretary (FEDFA), the Divisional Branch Senior Vice-President (FEDFA), the 4 Divisional Branch Vice-Presidents, and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tillers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vii) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch

Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General

Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA)

(i) In the Victorian Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional

Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA).

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so

required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victorian Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria, the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria, the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided

that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER AND SENIOR VICE-PRESIDENT (SOUTH AUSTRALIA)

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the South Australian Divisional Branch the Divisional Branch Senior Vice President shall be a full time position. He/she shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President.

The Divisional Branch Senior Vice President shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall work under the direction of the Divisional Branch Secretary. He/she shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

48B DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY(FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress,

who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.

2. Reading and adoption of minutes of previous meeting.

3. Admission of new members.

4. Election of Officers.

5. Divisional Branch Management Committee minutes.

6. Adjourned business.

7. Reading of Correspondence.

8. Auditor's Report.

9. Report of delegates.

10. Secretary's Cash Account.

11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES

70 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH

(i) There shall be a Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division to which all members who are eligible for membership of the union in accordance with National Rule 2(N) shall be attached.

(ii) Notwithstanding any other rule to the contrary, neither the National Executive of the CFMEU nor the Divisional Executive of the Construction and General Division shall alter or amend the eligibility for membership rule of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch referred to in sub-rule (i) herein, whilst ever that Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

71 - INDUSTRY DIVISIONAL BRANCH STRUCTURE

(a) As at the date of amalgamation the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall have three Sub-Branches, namely, New South Wales, Victoria and Western Australia, together with such other Sub-Branches that may be formed in other States and Territories of Australia.

(b) As at the date of amalgamation, members of the Federated Brick Tile and Pottery Industrial Union of Australia (hereafter in these Industry Divisional Branch Rules "the FBTPU") shall become members of the CFMEU without the payment of an entrance fee and shall be deemed to be attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and in addition shall be attached to a sub-branch as follows:-

(i) Members previously attached to the New South Wales Branch of the FBTPU shall be attached to the New South Wales Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch;

(ii) Members previously attached to the Victorian Branch of the FBTPU shall be attached to the Victorian Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch; and

(iii) Members previously attached to the Western Australian Branch of the FBTPU shall be attached to the Western Australia Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

72 - INDUSTRY DIVISIONAL BRANCH OFFICERS

(i) The officers of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and of its Sub-Branches shall be the Industry Divisional Branch Secretary, Industry Divisional Branch President (Honorary), Industry Divisional Branch Assistant Secretary (NSW), Industry Divisional Branch Assistant Secretary (Victoria) and Industry Divisional Branch Assistant Secretary (W.A.) (Honorary).

(ii) Industry Divisional Branch Assistant Secretaries shall be responsible for the administration of the sub-branches in their respective states.

73 - INDUSTRY DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Industry Divisional Branch Management Committee shall consist of the Industry Divisional Branch Secretary, the Industry Divisional Branch President (Honorary), the three Industry Divisional Branch Assistant Secretaries designated for each of the three states in which the Sub-Branches are established, each of whom shall, ex officio, occupy a position as Industry Divisional Branch Management Committee member together with such other Industry Divisional Branch Management Committee members as are elected from each Sub-Branch as provided for by this rule. Each Sub Branch shall be entitled to elect further members of the Industry Divisional Branch

Management Committee on a quota of one additional Management Committee Member for each 2,000 members in excess of 500 so that the following formula will apply:

Membership

1-500	(Assistant Secretary (NSW, or as the case may be) ex officio)
501-2,500	(1 additional Management Committee Member)
2,501-4,500	(2 additional Management Committee Members)
4,501+	(3 additional Management Committee Members)

The election of such Management Committee Members of the Industry Divisional Branch shall be by and from each Sub-Branch which is entitled to an additional Management Committee Member under the above formula.

A quorum for any meeting of the Industry Divisional Branch Management Committee shall be a simple majority of persons entitled to attend such meeting.

The Industry Divisional Branch President shall exercise a casting vote only.

In the absence of the Industry Divisional Branch President the Industry Divisional Branch Management Committee shall elect from amongst its members a person to chair the meeting.

74 - SUB-BRANCH RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch may establish sub-branch by-laws for the day to day management of the Sub-Branch provided always that such sub-branch by-laws shall not be inconsistent with these Industry Divisional Branch Rules 70 to 85, or the Rules of the CFMEU and such sub branch by-laws shall be invalid to the extent of such inconsistency. Until the establishment of such sub branch by-laws, the branch rules of the former FBTPU shall apply as by-laws to the Sub Branches to the extent permitted by this rule.

75 - TRANSFER OF MEMBERS

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch reserves the right to accept or reject the transfer of members into the Industry Divisional Branch, after checking the appropriate employment details relating to any such transferee against the eligibility for membership provisions relevant to the Industry Divisional Branch. In the event of any dispute between the Industry Divisional Branch and any other Divisional Branch of the Construction and General Division in relation to the issue of transfers, such dispute shall ultimately be referred to the National Executive of the CFMEU for final determination.

76 - AUTONOMOUS OPERATION

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall, whilst ever it exists, operate autonomously in relation to matters solely affecting the members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch including the day to day handling of industrial disputes and matters and the pursuit of industrial awards and agreements subject always to the powers of the Divisional Conference or Executive or National Conference or Executive and provided that any decision of a National body of the CFMEU so affecting the Industry Divisional Branch shall be subject to prior consultation and agreement with the Industry Divisional Branch Management Committee.

77 - SUBSCRIPTIONS AND CAPITATION

(a) A capitation fee shall be paid by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as determined from time to time in accordance with the rules of the CFMEU.

(b) It is agreed that upon amalgamation the subscriptions payable by former members of the FBTPU shall exactly equate to the subscriptions being paid by those members on the day before the amalgamation. The same shall apply in relation to new members of the Clay and Ceramics Industry Divisional Branch and its Sub-Branches. Provided always that as soon as practicable after amalgamation, but in any event, not later than July 1998, members of the CFMEU attached to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall pay such subscriptions as may be determined by the Divisional Conference or Divisional Executive of the Construction and General Division of the CFMEU in accordance with principles of equalisation of rates within a Division, Branch or within the amalgamated union.

78 - LIFE MEMBERS

Life members of the FBTPU shall, upon amalgamation, be entitled to life membership status within the amalgamated body.

79 - VARIATION TO RULES

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall not be amended whilst ever the Industry Divisional Branch exists, without the consent of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Management Committee

80 - FUTURE AMALGAMATIONS

No future or planned amalgamation between the CFMEU and any other union will adversely affect the structure or operation of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch.

81 - DISSOLUTION OF BRANCH

(a) The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall not be dissolved unless the Industry Divisional Branch agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Industry Divisional Branch members. Provided however that the Construction and General Division, Divisional Executive, shall have the right, in consultation with the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch, to close down or otherwise restructure the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch should accumulated losses exceed $300,000 or membership of that Industry Divisional Branch fall below 50% of the audited membership at the date of amalgamation.

(b) No Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch shall be dissolved unless the Industry Divisional Branch Management Committee agrees to such dissolution. Such agreement may be evidenced by a resolution of the Industry Divisional Branch Management Committee or by a plebiscite of Sub-Branch members. In the event that a Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch is dissolved,

members attached to that Sub-Branch shall be allocated to another Sub-Branch of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch by resolution of the Industry Divisional Branch Management Committee.

82 - BRICK, TILE, POTTERY, CONSTRUCTION MATERIALS AND RELATED PRODUCTS INDUSTRY DIVISIONAL BRANCH RULES TO PREVAIL

Notwithstanding any provision of the National or Divisional Rules of the Union, the provisions of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch Rules shall apply in respect of the Industry Divisional Branch of the Division and where there is an inconsistency between this Industry Divisional Branch Rule and any other Rule of the Union, the former shall, to the extent necessary to overcome such inconsistency, prevail.

83 - MEMORANDUM OF AGREEMENT

(i) The Memorandum of Agreement entered into between the Construction, Forestry, Mining and Energy Union (CFMEU) and The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU) to effect an amalgamation of the two Organisations and dated the 7th day of September, 1995 shall by force of this Rule be incorporated into these Rules and where such Rules are inconsistent with the terms of the Memorandum of Agreement, the latter shall prevail over the former only to the extent necessary to overcome any such inconsistency. Provided that the terms of the Memorandum of Agreement shall not prevail so as to offend against any provisions of the Workplace Relations Act 1996 or any Rule required by any provision of the Workplace Relations Act 1996.

(ii) A person shall be provided with a copy of the Memorandum of Agreement referred to in Rule 84(i) within (7) days of their making written request addressed to the Industry Divisional Branch Secretary or to a Industry Divisional Branch Assistant Secretary.

84 - INDUSTRY DIVISIONAL BRANCH ELECTIONS

(a) The Industry Divisional Branch Secretary and Industry Divisional Branch President (Honorary) shall be elected by and from all members of the Industry Divisional Branch.

(b) Elections within the Industry Divisional Branch shall be conducted in accordance with this rule and, the necessary changes being made, the rules of the Construction and General Division relating to elections.

(c) Each of the Industry Divisional Branch Assistant Secretaries and Management Committee members shall be elected by and from those members in each of the corresponding states for which such positions exist.

END OF RULES

[105N-BWIU: Incorporates alterations of 27/04/2010 in matter R2010/26]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 67 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF GENERAL MANAGER

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of Fair Work Australia.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary

membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

   Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

   Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date

of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate's proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victorian Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victorian Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victorian Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the

date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

   Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

   Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

   The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

   Further, the Victorian Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

   The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

   The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

   Further, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) and three (3) Divisional Vice-Presidents one from each of the Victorian, New South Wales and Queensland Builders Labourers Divisional Branches.

   The Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Queensland Construction Workers Divisional Branch. Each of the three Divisional Vice-

Presidents shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches.

The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

Further provided that the Divisional Branch President of the integrated Divisional Branch in the State of South Australia shall, only until the declaration of the election in 2004, be a member of the Divisional Executive. Thereafter the Divisional Branch Senior Vice-President of the integrated Divisional Branch in the State of South Australia shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The person holding the office of Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) immediately prior to the date of certification of this paragraph of sub-rule 1, shall, until 1 January 2013 only, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

   Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

   The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

   (a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional

Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000

members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2013. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January, 2010.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of

the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania, Victoria and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland in accordance with Rule 18 of these rules.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 30 June 2008, be and remain members of the Western Australian Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Divisional Branch

(a) The record of members of the Victorian Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver

(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victorian Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victorian Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Divisional Branch accordingly.

(e) The Victorian Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victorian Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Divisional Branch where

election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Western Australia Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the Western Australian Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that

award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Further provided that in the case of the Queensland Construction Workers Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing

such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such auditor shall also produce and certify a yearly balance sheet.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Vice-President (which position will be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and a Divisional Branch Executive Member, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) Victorian Divisional Branch

(a) In Victoria, the officers of the Divisional Branch shall be the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In addition to the officers identified in sub-paragraph (a) hereof, the officers of the Victorian Branch shall also include a Divisional Branch Senior Vice-President (FEDFA) and a Divisional Branch Assistant Secretary (FEDFA), both of which shall be paid, full-time positions, and a Divisional Branch Vice-President (FEDFA), which shall be an honorary position.

(c) Provided however that on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, the office of Divisional Branch Vice-President (FEDFA) shall cease to exist and the number of Divisional Branch Vice-Presidents (honorary), referred to in sub-rule (vi)(a) herein, shall be increased to four (4).

(vii) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(viii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the

powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was, for not less than 9 months during the period of twelve months immediately preceding the calling of nominations:

(i) employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch;

(ii) unemployed on account of illness, incapacity or inability to obtain employment; or

(iii) engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto

may nominate for such positions according to that scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	)
Divisional Branch President	) 3 years'
Divisional Branch Senior Vice-	) continuous financial
President and Vice President	) membership
Divisional Branch Delegate to	)
Divisional Conference	)
Divisional Branch Management	)
Committee Member	) 1 year's
District Secretary/Organiser	) continuous financial
Organiser	) membership
Divisional Branch Councillor,	) financial
representatives	) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst

candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any

necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	1235 - 1890 Inclusive 2000 - 2013 Inclusive 2014 - 2077 Inclusive 2079 - 2098 Inclusive 2099 - 2128 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive 2174 2175 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2557 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2786 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2278 2280 - 2287 Inclusive 2289 - 2296 Inclusive 2297 - 2307 Inclusive 2309 - 2312 Inclusive 2314 - 2317 2319 - 2323 Inclusive 2324 - 2327 Inclusive 2330 - 2331 2334 – 2335 2420 2421
Wollongong	2173 2500

02529

	2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 - 2527 Inclusive 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2537 2539 2540 - 2541 2574 - 2576 Inclusive 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii)(A) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule A) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

On and from 2 January 2009, or the declaration of the election in 2008, whichever is the later, the Divisional Branch Management Committee shall, at its first meeting held following the quadrennial election, elect from its members a Divisional Branch Vice-President who shall not, apart from holding the office of Divisional Branch Management Committee member, hold any other office in the Union.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Management Committee may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(B)In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) Victoria

a. deleted.

b. On and from the elections for members of the Divisional Branch Council to be held in 2008, the members of the Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with sub-rule (c) hereof.

c. The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

d. The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979

3984 - 3999 Inclusive

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members consisting of 3 members eligible pursuant to National Rule 2(E), 10 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a)

(1) deleted.

(2) On and from 2 January, 2009 or the declaration of the election in 2008, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. all the Divisional Branch Assistant Secretaries; and

E. a member elected by, and from, the members of the Divisional Branch Management Committee, who are not full time officials or hold any other office other than the office of Divisional Branch Management Committee member, at its first meeting held following a quadrennial election.

(3) Such election shall be conducted, the necessary changes being made, in accordance with Rule 9 of the Divisional Rules.

(4) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in (1) and (2) of this sub-rule to the Queensland Divisional Branch Management Committee and the

reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

(b) The Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) Victoria

(a) In Victoria, the members of the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, the Divisional Branch Assistant Secretary (FEDFA), the Divisional Branch Senior Vice-President (FEDFA), the 4 Divisional Branch Vice-Presidents, and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tillers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vii) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Senior Vice-President, the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property

of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA)

(i) In the Victorian Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA).

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victorian Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria, the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria, the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER AND SENIOR VICE-PRESIDENT (SOUTH AUSTRALIA)

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the South Australian Divisional Branch the Divisional Branch Senior Vice President shall be a full time position. He/she shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President.

The Divisional Branch Senior Vice President shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall work under the direction of the Divisional Branch Secretary. He/she shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

48B DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other

functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY(FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional

Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

[105N-BWIU: Incorporates alterations of 23/11/2010 in matter R2010/100]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 67 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

GENERAL MANAGER

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of Fair Work Australia.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary

membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

   Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

   Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date

of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate's proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victorian Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victorian Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victorian Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the

date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

   Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

   Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

   The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

   Further, the Victorian Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

   The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

   The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

   Further, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) and three (3) Divisional Vice-Presidents one from each of the Victorian, New South Wales and Queensland Builders Labourers Divisional Branches.

   The Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Queensland Construction Workers Divisional Branch. Each of the three Divisional Vice-

Presidents shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches.

The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

The Divisional Branch Assistant Secretary (designated) of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The person holding the office of Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) immediately prior to the date of certification of this paragraph of sub-rule 1, shall, until 1 January 2013 only, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

   Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

   The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

   (a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional

Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000

members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2013. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January, 2010.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of

the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional

Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania, Victoria and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland in accordance with Rule 18 of these rules.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 30 June 2008, be and remain members of the Western Australian Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Divisional Branch

(a) The record of members of the Victorian Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver

(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victorian Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victorian Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Divisional Branch accordingly.

(e) The Victorian Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victorian Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Divisional Branch where

election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Western Australia Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the Western Australian Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that

award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Further provided that in the case of the Queensland Construction Workers Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing

such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such auditor shall also produce and certify a yearly balance sheet.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Vice-President (which position will be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and a Divisional Branch Executive Member, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) Victorian Divisional Branch

(a) In Victoria, the officers of the Divisional Branch shall be the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In addition to the officers identified in sub-paragraph (a) hereof, the officers of the Victorian Branch shall also include a Divisional Branch Senior Vice-President (FEDFA) and a Divisional Branch Assistant Secretary (FEDFA), both of which shall be paid, full-time positions, and a Divisional Branch Vice-President (FEDFA), which shall be an honorary position.

(c) Provided however that on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, the office of Divisional Branch Vice-President (FEDFA) shall cease to exist and the number of Divisional Branch Vice-Presidents (honorary), referred to in sub-rule (vi)(a) herein, shall be increased to four (4).

(vii) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(viii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the

powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was, for not less than 9 months during the period of twelve months immediately preceding the calling of nominations:

(i) employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch;

(ii) unemployed on account of illness, incapacity or inability to obtain employment; or

(iii) engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto

may nominate for such positions according to that scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	)
Divisional Branch President	) 3 years'
Divisional Branch Senior Vice-	) continuous financial
President and Vice President	) membership
Divisional Branch Delegate to	)
Divisional Conference	)

Divisional Branch Management	)
Committee Member	) 1 year's
District Secretary/Organiser	) continuous financial
Organiser	) membership

Divisional Branch Councillor,	) financial
representatives	) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst

candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any

necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	1235 - 1890 Inclusive 2000 - 2013 Inclusive 2014 - 2077 Inclusive 2079 - 2098 Inclusive 2099 - 2128 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive 2174 2175 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2557 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2786 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2278 2280 - 2287 Inclusive 2289 - 2296 Inclusive 2297 - 2307 Inclusive 2309 - 2312 Inclusive 2314 - 2317 2319 - 2323 Inclusive 2324 - 2327 Inclusive 2330 - 2331 2334 – 2335 2420 2421
Wollongong	2173 2500

	2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 - 2527 Inclusive 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2537 2539 2540 - 2541 2574 - 2576 Inclusive 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii)(A) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule A) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

On and from 2 January 2009, or the declaration of the election in 2008, whichever is the later, the Divisional Branch Management Committee shall, at its first meeting held following the quadrennial election, elect from its members a Divisional Branch Vice-President who shall not, apart from holding the office of Divisional Branch Management Committee member, hold any other office in the Union.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Management Committee may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(B)In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) Victoria

a. deleted.

b. On and from the elections for members of the Divisional Branch Council to be held in 2008, the members of the Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with sub-rule (c) hereof.

c. The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

d. The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979

3984 - 3999 Inclusive

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members consisting of 3 members eligible pursuant to National Rule 2(E), 10 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a)

(1) deleted.

(2) On and from 2 January, 2009 or the declaration of the election in 2008, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. all the Divisional Branch Assistant Secretaries; and

E. a member elected by, and from, the members of the Divisional Branch Management Committee, who are not full time officials or hold any other office other than the office of Divisional Branch Management Committee member, at its first meeting held following a quadrennial election.

(3) Such election shall be conducted, the necessary changes being made, in accordance with Rule 9 of the Divisional Rules.

(4) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in (1) and (2) of this sub-rule to the Queensland Divisional Branch Management Committee and the

reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

(b) The Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) Victoria

(a) In Victoria, the members of the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, the Divisional Branch Assistant Secretary (FEDFA), the Divisional Branch Senior Vice-President (FEDFA), the 4 Divisional Branch Vice-Presidents, and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tillers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vii) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property

of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA)

(i) In the Victorian Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA).

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victorian Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria, the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria, the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER (SOUTH AUSTRALIA)

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

48B DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY(FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

[105N-BWIU: Incorporates alterations of 11/08/2011 in matter R2011/139]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 68 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK AUSTRALIA

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of Fair Work Australia.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction

Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

   Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the

delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate's proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victorian Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victorian Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victorian Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional

Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the

date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

Further, the Victorian Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

Further, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) and three (3) Divisional Vice-Presidents one from each of the Victorian, New South Wales and Queensland Builders Labourers Divisional Branches.

The Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Queensland Construction Workers Divisional Branch. Each of the three Divisional Vice-Presidents shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches.

The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

The Divisional Branch Assistant Secretary (designated) of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The person holding the office of Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) immediately prior to the date of certification of this paragraph of sub-rule 1, shall, until 1 January 2013 only, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may

demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2013. The Queensland Builders Labourers Divisional

Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January, 2010.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania, Victoria and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland in accordance with Rule 18 of these rules.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 30 June 2008, be and remain members of the Western Australian Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Divisional Branch

(a) The record of members of the Victorian Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;

(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victorian Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victorian Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Divisional Branch accordingly.

(e) The Victorian Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victorian Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Western Australia Divisional Branch (Northern Territory Members).

The provisions of these rules relating to membership and applications for membership of the Western Australian Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the

1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member

shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Further provided that in the case of the Queensland Construction Workers Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such auditor shall also produce and certify a yearly balance sheet.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and

as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Vice-President (which position will be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and a Divisional Branch Executive Member, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) Victorian Divisional Branch

(a) In Victoria, the officers of the Divisional Branch shall be the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In addition to the officers identified in sub-paragraph (a) hereof, the officers of the Victorian Branch shall also include a Divisional Branch Senior Vice-President (FEDFA) and a Divisional Branch Assistant Secretary (FEDFA), both of which shall be paid, full-time

positions, and a Divisional Branch Vice-President (FEDFA), which shall be an honorary position.

(c) Provided however that on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, the office of Divisional Branch Vice-President (FEDFA) shall cease to exist and the number of Divisional Branch Vice-Presidents (honorary), referred to in sub-rule (vi)(a) herein, shall be increased to four (4).

(vii) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(viii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was, for not less than 9 months during the period of twelve months immediately preceding the calling of nominations:

(i) employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch;

(ii) unemployed on account of illness, incapacity or inability to obtain employment; or

(iii) engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto

may nominate for such positions according to that scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	)
Divisional Branch President	) 3 years'
Divisional Branch Senior Vice-	) continuous financial
President and Vice President	) membership
Divisional Branch Delegate to	)
Divisional Conference	)

Divisional Branch Management	)
Committee Member	) 1 year's
District Secretary/Organiser	) continuous financial
Organiser	) membership

Divisional Branch Councillor,	) financial
representatives	) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant

Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	1235 - 1890 Inclusive
	2000 - 2013 Inclusive
	2014 - 2077 Inclusive
	2079 - 2098 Inclusive
	2099 - 2128 Inclusive
	2129 - 2148 Inclusive
	2150 - 2158 Inclusive
	2160 - 2172 Inclusive
	2174
	2175
	2176 - 2177
	2190 - 2200 Inclusive
	2203 - 2234 Inclusive
	2557 - 2560 Inclusive

	2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2786 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2278 2280 - 2287 Inclusive 2289 - 2296 Inclusive 2297 - 2307 Inclusive 2309 - 2312 Inclusive 2314 - 2317 2319 - 2323 Inclusive 2324 - 2327 Inclusive 2330 - 2331 2334 – 2335 2420 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 - 2527 Inclusive 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2537 2539 2540 - 2541 2574 - 2576 Inclusive 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii)(A) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule A) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

On and from 2 January 2009, or the declaration of the election in 2008, whichever is the later, the Divisional Branch Management Committee shall, at its first meeting held following the quadrennial election, elect from its members a Divisional Branch Vice-President who shall not, apart from holding the office of Divisional Branch Management Committee member, hold any other office in the Union.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Management Committee may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(B)In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) Victoria

a. deleted.

b. On and from the elections for members of the Divisional Branch Council to be held in 2008, the members of the Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with sub-rule (c) hereof.

c. The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

d. The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "

02672

	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy

Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members consisting of 3 members eligible pursuant to National Rule 2(E), 10 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a)

(1) deleted.

(2) On and from 2 January, 2009 or the declaration of the election in 2008, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. all the Divisional Branch Assistant Secretaries; and

E. a member elected by, and from, the members of the Divisional Branch Management Committee, who are not full time officials or hold any other office other than the office of Divisional Branch Management Committee member, at its first meeting held following a quadrennial election.

(3) Such election shall be conducted, the necessary changes being made, in accordance with Rule 9 of the Divisional Rules.

(4) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in (1) and (2) of this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

(b) The Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) Victoria

(a) In Victoria, the members of the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, the Divisional Branch Assistant Secretary (FEDFA), the Divisional Branch Senior Vice-President (FEDFA), the 4 Divisional Branch Vice-Presidents, and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine

operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tillers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vii) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA)

(i) In the Victorian Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA).

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victorian Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of

the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria, the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria, the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case

of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque;

48B - DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D- DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is

then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

[105N-BWIU: Incorporates alterations of 15/12/2011 in matter R2011/248 effective on and from 1/01/2012]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 68 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK AUSTRALIA

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of Fair Work Australia.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than one quarterly capitation payment outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction

Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

   Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the

delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate's proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Construction Workers Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Construction Workers Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victorian Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victorian Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victorian Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the

date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision

on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

Further, the Victorian Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

Further, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Senior

Vice-President (Queensland Construction Workers Divisional Branch) and three (3) Divisional Vice-Presidents one from each of the Victorian, New South Wales and Queensland Builders Labourers Divisional Branches.

The Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Queensland Construction Workers Divisional Branch. Each of the three Divisional Vice-Presidents shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches.

The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

The Divisional Branch Assistant Secretary (designated) of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The person holding the office of Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) immediately prior to the date of certification of this paragraph of sub-rule 1, shall, until 1 January 2013 only, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a

card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than one quarterly capitation payment or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for

the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of

considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2013. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January, 2010.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania, Victoria and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland in accordance with Rule 18 of these rules.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Construction Workers Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Divisional Branch

(a) The record of members of the Victorian Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;

(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victorian Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victorian Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Divisional Branch accordingly.

(e) The Victorian Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victorian Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Construction Workers Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Construction Workers Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the

1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member

shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Further provided that in the case of the Queensland Construction Workers Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such auditor shall also produce and certify a yearly balance sheet.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and

as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Vice-President (which position will be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and a Divisional Branch Executive Member, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) Victorian Divisional Branch

(a) In Victoria, the officers of the Divisional Branch shall be the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In addition to the officers identified in sub-paragraph (a) hereof, the officers of the Victorian Branch shall also include a Divisional Branch Senior Vice-President (FEDFA) and a Divisional Branch Assistant Secretary (FEDFA), both of which shall be paid, full-time

positions, and a Divisional Branch Vice-President (FEDFA), which shall be an honorary position.

(c) Provided however that on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, the office of Divisional Branch Vice-President (FEDFA) shall cease to exist and the number of Divisional Branch Vice-Presidents (honorary), referred to in sub-rule (vi)(a) herein, shall be increased to four (4).

(vii) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(viii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	)
Divisional Branch President	) 3 years'
Divisional Branch Senior Vice-	) continuous financial
President and Vice President	) membership
Divisional Branch Delegate to	)
Divisional Conference	)
Divisional Branch Management	)
Committee Member	) 1 year's
District Secretary/Organiser	) continuous financial
Organiser	) membership
Divisional Branch Councillor,	) financial
representatives	) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant

Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

Provided however, and without affecting the term of the office of persons holding office as Divisional Branch Council members immediately prior to the date of certification of this sub-rule, the Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (d) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone:	Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer. Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.
Newcastle Zone:	3 councillors elected by and from members in the Newcastle Zone.
Wollongong Zone:	3 councillors elected by and from members in the Wollongong Zone.
Country Zone: (which is the rest of New South Wales)	3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	1235 - 1890 Inclusive 2000 - 2013 Inclusive 2014 - 2077 Inclusive 2079 - 2098 Inclusive 2099 - 2128 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive

	2160 - 2172 Inclusive 2174 2175 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2557 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2786 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2278 2280 - 2287 Inclusive 2289 - 2296 Inclusive 2297 - 2307 Inclusive 2309 - 2312 Inclusive 2314 - 2317 2319 - 2323 Inclusive 2324 - 2327 Inclusive 2330 - 2331 2334 – 2335 2420 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 - 2527 Inclusive 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2537 2539 2540 - 2541 2574 - 2576 Inclusive 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(d) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.

Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.
Camden Zone:	3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.
Country Zone:	3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch.

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii)(A) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule A) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

On and from 2 January 2009, or the declaration of the election in 2008, whichever is the later, the Divisional Branch Management Committee shall, at its first meeting held following the quadrennial election, elect from its members a Divisional Branch Vice-President who shall not, apart from holding the office of Divisional Branch Management Committee member, hold any other office in the Union.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Management Committee may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(B)In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) Victoria

a. deleted.

b. On and from the elections for members of the Divisional Branch Council to be held in 2008, the members of the Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with sub-rule (c) hereof.

c. The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

d. The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979

3984 - 3999 Inclusive

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional

Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members consisting of 3 members eligible pursuant to National Rule 2(E), 10 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a)

(1) deleted.

(2) On and from 2 January, 2009 or the declaration of the election in 2008, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. all the Divisional Branch Assistant Secretaries; and

E. a member elected by, and from, the members of the Divisional Branch Management Committee, who are not full time officials or hold any other office other than the office of Divisional Branch Management Committee member, at its first meeting held following a quadrennial election.

(3) Such election shall be conducted, the necessary changes being made, in accordance with Rule 9 of the Divisional Rules.

(4) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in (1) and (2) of this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

(b) The Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) Victoria

(a) In Victoria, the members of the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, the Divisional Branch Assistant Secretary (FEDFA), the Divisional Branch Senior Vice-President (FEDFA), the 4 Divisional Branch Vice-Presidents, and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tillers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vii) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA)

(i) In the Victorian Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA).

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victorian Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria, the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria, the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and

shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque;

48B - DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D- DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum

not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.

2. Reading and adoption of minutes of previous meeting.

3. Admission of new members.

4. Election of Officers.

5. Divisional Branch Management Committee minutes.

6. Adjourned business.

7. Reading of Correspondence.

8. Auditor's Report.

9. Report of delegates.

10. Secretary's Cash Account.

11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of

one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

[105N-BWIU: Incorporates alterations of 20/04/2012 in matter R2012/40]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 68 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK AUSTRALIA

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of Fair Work Australia.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction

Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

   Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

   Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional

Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate's proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Construction Workers Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Construction Workers Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victorian Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victorian Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victorian Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of

an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the

date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above

manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

Further, the Victorian Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

Further, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) and three (3) Divisional

Vice-Presidents one from each of the Victorian, New South Wales and Queensland Builders Labourers Divisional Branches.

The Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Queensland Construction Workers Divisional Branch. Each of the three Divisional Vice-Presidents shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches.

The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

The Divisional Branch Assistant Secretary (designated) of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The person holding the office of Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) immediately prior to the date of certification of this paragraph of sub-rule 1, shall, until 1 January 2013 only, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a

card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of

considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2013. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January, 2010.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania, Victoria and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland in accordance with Rule 18 of these rules.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Construction Workers Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Divisional Branch

(a) The record of members of the Victorian Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;

(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victorian Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victorian Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victorian Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Divisional Branch accordingly.

(e) The Victorian Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victorian Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Construction Workers Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Construction Workers Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the

1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member

shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Further provided that in the case of the Queensland Construction Workers Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such auditor shall also produce and certify a yearly balance sheet.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and

as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Vice-President (which position will be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and a Divisional Branch Executive Member, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) Victorian Divisional Branch

(a) In Victoria, the officers of the Divisional Branch shall be the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In addition to the officers identified in sub-paragraph (a) hereof, the officers of the Victorian Branch shall also include a Divisional Branch Senior Vice-President (FEDFA) and a Divisional Branch Assistant Secretary (FEDFA), both of which shall be paid, full-time

positions, and a Divisional Branch Vice-President (FEDFA), which shall be an honorary position.

(c) Provided however that on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, the office of Divisional Branch Vice-President (FEDFA) shall cease to exist and the number of Divisional Branch Vice-Presidents (honorary), referred to in sub-rule (vi)(a) herein, shall be increased to four (4).

(vii) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(viii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	)
Divisional Branch President	) 3 years'
Divisional Branch Senior Vice-	) continuous financial
President and Vice President	) membership
Divisional Branch Delegate to	)
Divisional Conference	)
Divisional Branch Management	)
Committee Member	) 1 year's
District Secretary/Organiser	) continuous financial
Organiser	) membership
Divisional Branch Councillor,	) financial
representatives	) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant

Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

Provided however, and without affecting the term of the office of persons holding office as Divisional Branch Council members immediately prior to the date of certification of this sub-rule, the Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (d) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone:	Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer. Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.
Newcastle Zone:	3 councillors elected by and from members in the Newcastle Zone.
Wollongong Zone:	3 councillors elected by and from members in the Wollongong Zone.
Country Zone: (which is the rest of New South Wales)	3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	1235 - 1890 Inclusive 2000 - 2013 Inclusive 2014 - 2077 Inclusive 2079 - 2098 Inclusive 2099 - 2128 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive

	2160 - 2172 Inclusive 2174 2175 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2557 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2786 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2278 2280 - 2287 Inclusive 2289 - 2296 Inclusive 2297 - 2307 Inclusive 2309 - 2312 Inclusive 2314 - 2317 2319 - 2323 Inclusive 2324 - 2327 Inclusive 2330 - 2331 2334 – 2335 2420 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 - 2527 Inclusive 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2537 2539 2540 - 2541 2574 - 2576 Inclusive 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(d) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.

Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.
Camden Zone:	3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.
Country Zone:	3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch.

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii) (A) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule A) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

On and from 2 January 2009, or the declaration of the election in 2008, whichever is the later, the Divisional Branch Management Committee shall, at its first meeting held following the quadrennial election, elect from its members a Divisional Branch Vice-President who shall not, apart from holding the office of Divisional Branch Management Committee member, hold any other office in the Union.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Management Committee may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(B)In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) Victoria

a. deleted.

b. On and from the elections for members of the Divisional Branch Council to be held in 2008, the members of the Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with sub-rule (c) hereof.

c. The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

d. The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979

3984 - 3999 Inclusive

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members consisting of 3 members eligible pursuant to National Rule 2(E), 10 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a)

(1) deleted.

(2) On and from 2 January, 2009 or the declaration of the election in 2008, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. all the Divisional Branch Assistant Secretaries; and

E. a member elected by, and from, the members of the Divisional Branch Management Committee, who are not full time officials or hold any other office other than the office of Divisional Branch Management Committee member, at its first meeting held following a quadrennial election.

(3) Such election shall be conducted, the necessary changes being made, in accordance with Rule 9 of the Divisional Rules.

(4) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in (1) and (2) of this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

(b) The Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) Victoria

(a) In Victoria, the members of the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, the Divisional Branch Assistant Secretary (FEDFA), the Divisional Branch Senior Vice-President (FEDFA), the 4 Divisional Branch Vice-Presidents, and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tillers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vii) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA)

(i) In the Victorian Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA).

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victorian Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria, the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria, the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and

shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque;

48B - DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D- DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum

not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.

2. Reading and adoption of minutes of previous meeting.

3. Admission of new members.

4. Election of Officers.

5. Divisional Branch Management Committee minutes.

6. Adjourned business.

7. Reading of Correspondence.

8. Auditor's Report.

9. Report of delegates.

10. Secretary's Cash Account.

11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of

one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

[105N-BWIU: Incorporates alterations of 27/04/2012 in matter R2012/35]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 69 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK AUSTRALIA

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of Fair Work Australia.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction

Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate's proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Construction Workers Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Construction Workers Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victorian Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victorian Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victorian Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the

date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

Further, the Victorian Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

Further, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) and three (3) Divisional Vice-Presidents one from each of the Victorian, New South Wales and Queensland Builders Labourers Divisional Branches.

The Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Queensland Construction Workers Divisional Branch. Each of the three Divisional Vice-Presidents shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches.

The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

The Divisional Branch Assistant Secretary (designated) of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The person holding the office of Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) immediately prior to the date of certification of this paragraph of sub-rule 1, shall, until 1 January 2013 only, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the

union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members

holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such

Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Tasmania, the Divisional Branch shall be known as the Construction and General Division, Tasmanian Divisional Branch.

(ii) Subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different Officers or any other like Rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in

this Rule prevents different Officers being allocated different tasks to perform within, for or on behalf of the Union, the Division or the Divisional Branch.

(iii) Notwithstanding any other Rule to the contrary, the Divisional Branch President shall be delegate to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2013. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January, 2010.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated

Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, Tasmania, Victoria and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Queensland in accordance with Rule 18 of these rules.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Construction Workers Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victorian Divisional Branch

(a) The record of members of the Victorian Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victorian Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victorian Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victorian Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victorian Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victorian Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victorian Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the

Victorian Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victorian Divisional Branch accordingly.

(e) The Victorian Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victorian Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victorian Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victorian Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Construction Workers Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Construction Workers Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Further provided that in the case of the Queensland Construction Workers Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victorian Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such auditor shall also produce and certify a yearly balance sheet.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In Tasmania the officers of the Divisional Branch shall consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and Divisional Branch Management Committee members together with such Organisers as may be deemed necessary and as the Divisional Branch Management Committee may from time to time determine.

(iii) (a) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Vice-President (which position will be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and a Divisional Branch Executive Member, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iv) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(v) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such

number of Organisers as the Divisional Branch Management Committee from time to time determines.

(vi) Victorian Divisional Branch

(a) In Victoria, the officers of the Divisional Branch shall be the Divisional Branch President, 3 Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, one Divisional Branch Assistant Secretary, the members of the Divisional Branch Management Committee, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) In addition to the officers identified in sub-paragraph (a) hereof, the officers of the Victorian Branch shall also include a Divisional Branch Senior Vice-President (FEDFA) and a Divisional Branch Assistant Secretary (FEDFA), both of which shall be paid, full-time positions, and a Divisional Branch Vice-President (FEDFA), which shall be an honorary position.

(c) Provided however that on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, the office of Divisional Branch Vice-President (FEDFA) shall cease to exist and the number of Divisional Branch Vice-Presidents (honorary), referred to in sub-rule (vi)(a) herein, shall be increased to four (4).

(vii) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(viii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	)
Divisional Branch President	) 3 years'
Divisional Branch Senior Vice-	) continuous financial
President and Vice President	) membership
Divisional Branch Delegate to	)
Divisional Conference	)

Divisional Branch Management Committee Member	) 1 year's
District Secretary/Organiser	) continuous financial
Organiser	) membership
Divisional Branch Councillor, representatives	) financial) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date).

Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victorian Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, except the Construction Workers Divisional Branch in Queensland, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

In the Queensland Construction Workers Divisional Branch the highest governing body of the Divisional Branch shall be the Divisional Branch Management Committee and any reference in these rules to the Divisional Branch Council shall be read and include a reference in that Divisional Branch in Queensland to the Divisional Branch Management Committee therein which shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

Provided however, and without affecting the term of the office of persons holding office as Divisional Branch Council members immediately prior to the date of certification of this sub-rule, the Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (d) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	1235 - 1890 Inclusive 2000 - 2013 Inclusive 2014 - 2077 Inclusive 2079 - 2098 Inclusive 2099 - 2128 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive 2174 2175 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2557 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2786 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2278 2280 - 2287 Inclusive 2289 - 2296 Inclusive 2297 - 2307 Inclusive 2309 - 2312 Inclusive 2314 - 2317 2319 - 2323 Inclusive 2324 - 2327 Inclusive 2330 - 2331 2334 – 2335 2420 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 - 2527 Inclusive 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2537 2539 2540 - 2541 2574 - 2576 Inclusive 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(d) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.
Camden Zone:	3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.
Country Zone:	3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch.

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

(ii) In Tasmania the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with the following Zone Councillors;

Hobart and Southern Zone:	3 councillors (1 of which shall be from members eligible pursuant to National Rule 2(B), 1 of which shall be from members eligible pursuant to National Rule 2(E) and 1 from all other members within the zone).
Launceston Zone:	1 councillor
North West Zone:	1 councillor

(iii) (A) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule A) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

On and from 2 January 2009, or the declaration of the election in 2008, whichever is the later, the Divisional Branch Management Committee shall, at its first meeting held following the quadrennial election, elect from its members a Divisional Branch Vice-President who shall not, apart from holding the office of Divisional Branch Management Committee member, hold any other office in the Union.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Management Committee may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(B)In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iv) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(v) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) Victoria

a. deleted.

b. On and from the elections for members of the Divisional Branch Council to be held in 2008, the members of the Divisional Branch Council shall consist of the members of the Divisional Branch Management Committee and Zone Delegates elected in accordance with sub-rule (c) hereof.

c. The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(vi) with respect to the Victorian Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

d. The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "

	3464 - 3599 "
Northern Victoria	3338 3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive 3921 - 3925 " 3945 - 3971 " 3979 3984 - 3999 Inclusive

(vii) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members consisting of 3 members eligible pursuant to National Rule 2(E), 10 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) In Tasmania the Divisional Branch Management Committee shall consist of the Divisional Branch President (Honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and 13 other members consisting of 2 members eligible pursuant to National Rule 2(E), 4 members eligible pursuant to National Rule 2(B), 4 from all other members of the Divisional Branch (ie members other than those eligible pursuant to National Rules 2(B) or 2 (E)), and 3 from any off-site fixed establishment in the State of Tasmania.

(iii) (a)

(1) deleted.

(2) On and from 2 January, 2009 or the declaration of the election in 2008, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. all the Divisional Branch Assistant Secretaries; and

E. a member elected by, and from, the members of the Divisional Branch Management Committee, who are not full time officials or hold any other office other than the office of Divisional Branch Management Committee member, at its first meeting held following a quadrennial election.

(3) Such election shall be conducted, the necessary changes being made, in accordance with Rule 9 of the Divisional Rules.

(4) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule. Provided that the reference in (1) and (2) of this sub-rule to the Queensland Divisional Branch Management Committee and the reference in the second paragraph of sub-rule 40 (1) to the Divisional Branch Management Committee in Queensland shall not be so taken.

(b) The Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iv) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(v) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(vi) Victoria

(a) In Victoria, the members of the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, the Divisional Branch Assistant Secretary (FEDFA), the Divisional Branch Senior Vice-President (FEDFA), the 4 Divisional Branch Vice-Presidents, and 23 others consisting

of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tillers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vii) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach

agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA)

(i) In the Victorian Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA).

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victorian Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria, the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria, the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second

sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch

President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque;

48B - DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA) (VICTORIA)

(1) This rule applies only in relation to the Victorian Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D- DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

(ii) In the Tasmanian Divisional Branch, the failure by any member of the Divisional Branch Management Committee to attend any three (3) consecutive meetings of the Divisional Branch Management Committee without tendering an apology prior to the meetings, or without providing a bona fide reason prior to or within one (1) working day of each meeting, shall constitute gross neglect of duty for the purpose of Rule 51 sub-rule (b) herein.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is

then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria - Divisional Branch Meetings

(a) Victorian Building Unions Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

[105N-BWIU: Incorporates alterations of 05/07/2012 in matter R2012/83]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 74 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK AUSTRALIA

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of Fair Work Australia.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction

Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

(viii) Any person who, at the date of certification of this sub-rule, is a member of the Victorian Divisional Branch or the Tasmanian Divisional Branch shall be and become a member of the Victoria-Tasmania Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Tasmanian Divisional Branch or the Victorian Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania Divisional Branch. Further provided that the period of membership of the Victoria-Tasmania Divisional Branch shall be the same as that held by such members within the Victorian Divisional Branch or Tasmanian Divisional Branch, as the case may be.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the

Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Construction Workers Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Construction Workers Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victorian Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victorian Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victorian Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the

date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

Further, the Victoria-Tasmania Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

Further, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) and three (3) Divisional Vice-Presidents one from each of the Victoria-Tasmania, New South Wales and Queensland Builders Labourers Divisional Branches.

The Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Queensland Construction Workers Divisional Branch. Each of the three Divisional Vice-Presidents shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches.

The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

The Divisional Branch Assistant Secretary (designated) of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The person holding the office of Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) immediately prior to the date of certification of this paragraph of sub-rule 1, shall, until 1 January 2013 only, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive

may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch)

Provided however that the operation of the Victoria-Tasmania Divisional Branch shall be reviewed by the Divisional Executive with a view to re-establishing separate Divisional Branches in the States of Victoria and Tasmania where, in the opinion of the Divisional Executive, the establishment of such separate Divisional Branches is in the interests of the members in those states and the Division as a whole. Such a review shall be completed within three (3) years of the declaration of the ballot for the Divisional Branch elections in 2012.

(ii) Notwithstanding any other rule to the contrary, the Divisional Branch President and the Divisional Branch Secretary of the former Tasmanian Divisional Branch shall upon the establishment of the Victoria-Tasmania Divisional Branch and until the declaration of the Divisional Branch elections in 2012, be and remain delegates to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2013. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January, 2010.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the

Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner

outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Construction Workers Divisional Branch.

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria or Tasmania shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;

(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Construction Workers Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Construction Workers Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the

1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member

shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Further provided that in the case of the Queensland Construction Workers Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such auditor shall also produce and certify a yearly balance sheet.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and

as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) (a) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Vice-President (which position will be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and a Divisional Branch Executive Member, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, 4 Divisional Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, a Divisional Branch Assistant Secretary, a Divisional Branch Senior Vice-President (FEDFA), a Divisional Branch Assistant Secretary (FEDFA), (both of which shall be paid, full-time positions), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of

the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(vii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	)
Divisional Branch President	) 3 years'
Divisional Branch Senior Vice-	) continuous financial
President and Vice President	) membership
Divisional Branch Delegate to	)
Divisional Conference	)

Divisional Branch Management	)
Committee Member	) 1 year's
District Secretary/Organiser	) continuous financial
Organiser	) membership
Sub-Branch Secretary, President,	)
Or Management Committee Member	)

Divisional Branch Councillor,	) financial
representatives	) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Construction Workers Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

Provided however, and without affecting the term of the office of persons holding office as Divisional Branch Council members immediately prior to the date of certification of this sub-rule, the Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (d) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	1235 - 1890 Inclusive
	2000 - 2013 Inclusive
	2014 - 2077 Inclusive
	2079 - 2098 Inclusive
	2099 - 2128 Inclusive
	2129 - 2148 Inclusive
	2150 - 2158 Inclusive
	2160 - 2172 Inclusive
	2174
	2175
	2176 - 2177

	2190 - 2200 Inclusive 2203 - 2234 Inclusive 2557 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2786 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2278 2280 - 2287 Inclusive 2289 - 2296 Inclusive 2297 - 2307 Inclusive 2309 - 2312 Inclusive 2314 - 2317 2319 - 2323 Inclusive 2324 - 2327 Inclusive 2330 - 2331 2334 – 2335 2420 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 - 2527 Inclusive 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2537 2539 2540 - 2541 2574 - 2576 Inclusive 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(d) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.

Camden Zone:	3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.
Country Zone:	3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch.

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

(ii) (A) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule A) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

On and from 2 January 2009, or the declaration of the election in 2008, whichever is the later, the Divisional Branch Management Committee shall, at its first meeting held following the quadrennial election, elect from its members a Divisional Branch Vice-President who shall not, apart from holding the office of Divisional Branch Management Committee member, hold any other office in the Union.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Management Committee may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(A)(A) Despite sub-rule (A), for the quadrennial elections to be held in 2012, and for all quadrennial elections thereafter, the Divisional Branch Council of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Vice-President
(iii) the Divisional Branch Secretary;
(iv) the Divisional Branch Assistant Secretaries;
(v) the Divisional Branch Executive Member;
(vi) 12 members on the Divisional Branch Council who shall be elected by and from the two sub-groups as follows:

(a) 8 Divisional Branch Council members who will be elected by, and from, the members who reside in South East Queensland; and

(b) 4 Divisional Branch Council Members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

subject to the following:

1. in relation to the Divisional Branch President:

a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch President resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch President resides in Regional Queensland;

2. in relation to the Divisional Branch Vice President:

a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Vice President resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Vice President resides in Regional Queensland;

3. in relation to the Divisional Branch Executive Member:

a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Executive Member resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Executive Member resides in Regional Queensland;

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Vice President will, subject to this sub-rule, be elected by and from Members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote in accordance with these Rules.

The Divisional Branch Executive Member will not be a full-time official or hold any other office and will, subject to this sub-rule be elected by and from Members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote in accordance with these rules.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Assistant Secretary (General) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Council will, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Council will, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Council may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis

For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council; and

(s) Torres Strait & Torres Strait Regional Council.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset;

(j) Sunshine Coast.

(B)In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of all those persons who were members of the Victorian Divisional Branch Council as at the date this rule took effect together with the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein.

(b) On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations,

drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

c. The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members consisting of 3 members eligible pursuant to National Rule 2(E), 10 members eligible pursuant to National Rule 2(B) and 13 members from all

other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) (a)(1) On and from 2 January, 2009 or the declaration of the election in 2008, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. all the Divisional Branch Assistant Secretaries; and

E. a member elected by, and from, the members of the Divisional Branch Management Committee, who are not full time officials or hold any other office other than the office of Divisional Branch Management Committee member, at its first meeting held following a quadrennial election.

(2) Despite sub-rule (1) above, for the quadrennial elections to be first held in 2012 and for all quadrennial elections thereafter, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. the Divisional Branch Assistant Secretaries; and

E. the Divisional Branch Executive Member.

(3) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule.

(b) The Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of all those persons who were members of the Victorian Divisional Branch Management Committee as at the date this rule took effect namely the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, the Divisional Branch Assistant Secretary (FEDFA), the Divisional Branch Senior Vice-President (FEDFA), the 4 Divisional Branch Vice-Presidents, and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer, together with the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(i) herein.

On and from 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The

balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management

Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

(i) In the Victoria-Tasmania Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA).

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B - DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

(i) On and from the date of certification of this sub-rule and until 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, there shall be a Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch, (Tasmania Sub-Branch), the members of which shall consist of the following persons who were, immediately prior to this rule taking effect, members of the Tasmanian Divisional Branch Management Committee:-

Name	Office Held within Tasmanian Divisional Branch	Office Held within Victoria-Tasmania Divisional Branch

Bill White	Divisional Branch Secretary	Sub-Branch Secretary
Dale Cracknell	Divisional Branch President	Sub-Branch President
Michael Van de Kamp	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Michael Norris	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Mick Huxley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Roy Smedley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Paul Rainey	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Dickie Post	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member

(ii) On and from 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(iii) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch. Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only. Further provided that the Victoria-Tasmania Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Tasmanian Divisional Branch and the Victorian Divisional Branch immediately prior to the certification of this sub-rule.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria-Tasmania the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by

leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created

any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch and the Queensland Builders' Labourers' Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, in the Queensland Builders' Labourers' Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

(c) In the Queensland Builders' Labourers' Divisional Branch, the Divisional Branch Treasurer shall:

(i) be entitled at any time to inspect the financial accounts and records of the Divisional Branch;

(ii) attend all General Meetings of the Divisional Branch and Divisional Branch Executive;

(iii) examine all accounts passed for payment and shall produce the bank pass book for the inspection of the Divisional Branch Executive, Auditors or Divisional Branch Trustees, when called upon to do so;

(iv) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefor;

(v) draw up a report and balance sheet for submission to members in the months of January and December and submit the books and accounts to the Auditor yearly;

(vi) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding one thousand dollars ($1,000) at any one time.

48B - DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D- DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E- DUTIES OF DIVISIONAL BRANCH GUARDIAN - QUEENSLAND BUILDERS LABOURERS DIVISIONAL BRANCH

(1) This rule applies only in relation to the Queensland Builders' Labourers' Divisional Branch.

(2) The Divisional Branch Guardian shall examine all persons in the room before the commencement of business to ensure that only financial members of the Divisional Branch are in attendance. A stranger shall be permitted to attend only with the consent of the Presiding Officer.

(3) The Divisional Branch Guardian shall prevent the admission of any intoxicated persons, and allow no member to leave or enter the room whilst a member is speaking.

(4) The Divisional Branch Guardian shall record in a book all names, Union card numbers and jobs employed on of all members entering the meeting. This book is open for inspection by all financial members on request of the Secretary.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a

properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given

reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and

place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise

ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

[105N-BWIU: Incorporates alterations of 20/08/2012 in matter R2012/132]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 74 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction

Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

(viii) Any person who, at the date of certification of this sub-rule, is a member of the Victorian Divisional Branch or the Tasmanian Divisional Branch shall be and become a member of the Victoria-Tasmania Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Tasmanian Divisional Branch or the Victorian Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania Divisional Branch. Further provided that the period of membership of the Victoria-Tasmania Divisional Branch shall be the same as that held by such members within the Victorian Divisional Branch or Tasmanian Divisional Branch, as the case may be.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the

Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Construction Workers Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Construction Workers Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the

date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

Further, the Victoria-Tasmania Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

Further, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) and three (3) Divisional Vice-Presidents one from each of the Victoria-Tasmania, New South Wales and Queensland Builders Labourers Divisional Branches.

The Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Queensland Construction Workers Divisional Branch. Each of the three Divisional Vice-Presidents shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches.

The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

The Divisional Branch Assistant Secretary (designated) of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The person holding the office of Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) immediately prior to the date of certification of this paragraph of sub-rule 1, shall, until 1 January 2013 only, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive

may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch)

Provided however that the operation of the Victoria-Tasmania Divisional Branch shall be reviewed by the Divisional Executive with a view to re-establishing separate Divisional Branches in the States of Victoria and Tasmania where, in the opinion of the Divisional Executive, the establishment of such separate Divisional Branches is in the interests of the members in those states and the Division as a whole. Such a review shall be completed within three (3) years of the declaration of the ballot for the Divisional Branch elections in 2012.

(ii) Notwithstanding any other rule to the contrary, the Divisional Branch President and the Divisional Branch Secretary of the former Tasmanian Divisional Branch shall upon the establishment of the Victoria-Tasmania Divisional Branch and until the declaration of the Divisional Branch elections in 2012, be and remain delegates to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2013. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January, 2010.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the

Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner

outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Construction Workers Divisional Branch.

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria or Tasmania shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;

(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Construction Workers Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Construction Workers Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the

1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member

shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Further provided that in the case of the Queensland Construction Workers Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such auditor shall also produce and certify a yearly balance sheet.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and

as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) (a) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Vice-President (which position will be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and a Divisional Branch Executive Member, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, 4 Divisional Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, a Divisional Branch Assistant Secretary, a Divisional Branch Senior Vice-President (FEDFA), a Divisional Branch Assistant Secretary (FEDFA), (both of which shall be paid, full-time positions), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of

the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(vii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	)
Divisional Branch President	) 3 years'
Divisional Branch Senior Vice-	) continuous financial
President and Vice President	) membership
Divisional Branch Delegate to	)
Divisional Conference	)

Divisional Branch Management	)
Committee Member	) 1 year's
District Secretary/Organiser	) continuous financial
Organiser	) membership
Sub-Branch Secretary, President,	)
Or Management Committee Member	)

Divisional Branch Councillor,	) financial
representatives	) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Construction Workers Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

Provided however, and without affecting the term of the office of persons holding office as Divisional Branch Council members immediately prior to the date of certification of this sub-rule, the Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (d) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	1235 - 1890 Inclusive
	2000 - 2013 Inclusive
	2014 - 2077 Inclusive
	2079 - 2098 Inclusive
	2099 - 2128 Inclusive
	2129 - 2148 Inclusive
	2150 - 2158 Inclusive
	2160 - 2172 Inclusive
	2174
	2175
	2176 - 2177

	2190 - 2200 Inclusive 2203 - 2234 Inclusive 2557 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2786 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2278 2280 - 2287 Inclusive 2289 - 2296 Inclusive 2297 - 2307 Inclusive 2309 - 2312 Inclusive 2314 - 2317 2319 - 2323 Inclusive 2324 - 2327 Inclusive 2330 - 2331 2334 – 2335 2420 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 - 2527 Inclusive 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2537 2539 2540 - 2541 2574 - 2576 Inclusive 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(d) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.

Camden Zone:	3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.
Country Zone:	3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch.

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

(ii) (A) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule A) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

On and from 2 January 2009, or the declaration of the election in 2008, whichever is the later, the Divisional Branch Management Committee shall, at its first meeting held following the quadrennial election, elect from its members a Divisional Branch Vice-President who shall not, apart from holding the office of Divisional Branch Management Committee member, hold any other office in the Union.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Management Committee may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(A)(A) Despite sub-rule (A), for the quadrennial elections to be held in 2012, and for all quadrennial elections thereafter, the Divisional Branch Council of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Vice-President
(iii) the Divisional Branch Secretary;
(iv) the Divisional Branch Assistant Secretaries;
(v) the Divisional Branch Executive Member;
(vi) 12 members on the Divisional Branch Council who shall be elected by and from the two sub-groups as follows:

(a) 8 Divisional Branch Council members who will be elected by, and from, the members who reside in South East Queensland; and

(b) 4 Divisional Branch Council Members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

subject to the following:

1. in relation to the Divisional Branch President:

a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch President resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch President resides in Regional Queensland;

2. in relation to the Divisional Branch Vice President:

a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Vice President resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Vice President resides in Regional Queensland;

3. in relation to the Divisional Branch Executive Member:

a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Executive Member resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Executive Member resides in Regional Queensland;

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Vice President will, subject to this sub-rule, be elected by and from Members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote in accordance with these Rules.

The Divisional Branch Executive Member will not be a full-time official or hold any other office and will, subject to this sub-rule be elected by and from Members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote in accordance with these rules.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Assistant Secretary (General) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Council will, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Council will, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Council may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis

For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council; and

(s) Torres Strait & Torres Strait Regional Council.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset;

(j) Sunshine Coast.

(B)In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of all those persons who were members of the Victorian Divisional Branch Council as at the date this rule took effect together with the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein.

(b) On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations,

drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

c. The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members consisting of 3 members eligible pursuant to National Rule 2(E), 10 members eligible pursuant to National Rule 2(B) and 13 members from all

other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) (a)(1) On and from 2 January, 2009 or the declaration of the election in 2008, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. all the Divisional Branch Assistant Secretaries; and

E. a member elected by, and from, the members of the Divisional Branch Management Committee, who are not full time officials or hold any other office other than the office of Divisional Branch Management Committee member, at its first meeting held following a quadrennial election.

(2) Despite sub-rule (1) above, for the quadrennial elections to be first held in 2012 and for all quadrennial elections thereafter, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. the Divisional Branch Assistant Secretaries; and

E. the Divisional Branch Executive Member.

(3) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule.

(b) The Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of all those persons who were members of the Victorian Divisional Branch Management Committee as at the date this rule took effect namely the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, the Divisional Branch Assistant Secretary (FEDFA), the Divisional Branch Senior Vice-President (FEDFA), the 4 Divisional Branch Vice-Presidents, and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer, together with the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(i) herein.

On and from 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The

balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management

Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

(i) In the Victoria-Tasmania Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA). Provided however that on and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B - DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

(i) On and from the date of certification of this sub-rule and until 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, there shall be a Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch, (Tasmania Sub-Branch), the

members of which shall consist of the following persons who were, immediately prior to this rule taking effect, members of the Tasmanian Divisional Branch Management Committee:-

Name	Office Held within Tasmanian Divisional Branch	Office Held within Victoria-Tasmania Divisional Branch
Bill White	Divisional Branch Secretary	Sub-Branch Secretary
Dale Cracknell	Divisional Branch President	Sub-Branch President
Michael Van de Kamp	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Michael Norris	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Mick Huxley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Roy Smedley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Paul Rainey	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Dickie Post	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member

(ii) On and from 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(iii) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch. Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only. Further provided that the Victoria-Tasmania Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Tasmanian Divisional Branch and the Victorian Divisional Branch immediately prior to the certification of this sub-rule.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria-Tasmania the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch and the Queensland Builders' Labourers' Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, in the Queensland Builders' Labourers' Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch

President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

(c) In the Queensland Builders' Labourers' Divisional Branch, the Divisional Branch Treasurer shall:

(i) be entitled at any time to inspect the financial accounts and records of the Divisional Branch;

(ii) attend all General Meetings of the Divisional Branch and Divisional Branch Executive;

(iii) examine all accounts passed for payment and shall produce the bank pass book for the inspection of the Divisional Branch Executive, Auditors or Divisional Branch Trustees, when called upon to do so;

(iv) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefor;

(v) draw up a report and balance sheet for submission to members in the months of January and December and submit the books and accounts to the Auditor yearly;

(vi) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding one thousand dollars ($1,000) at any one time.

48B - DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D- DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E- DUTIES OF DIVISIONAL BRANCH GUARDIAN - QUEENSLAND BUILDERS LABOURERS DIVISIONAL BRANCH

(1) This rule applies only in relation to the Queensland Builders' Labourers' Divisional Branch.

(2) The Divisional Branch Guardian shall examine all persons in the room before the commencement of business to ensure that only financial members of the Divisional Branch are in attendance. A stranger shall be permitted to attend only with the consent of the Presiding Officer.

(3) The Divisional Branch Guardian shall prevent the admission of any intoxicated persons, and allow no member to leave or enter the room whilst a member is speaking.

(4) The Divisional Branch Guardian shall record in a book all names, Union card numbers and jobs employed on of all members entering the meeting. This book is open for inspection by all financial members on request of the Secretary.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross

misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may

be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

[105N-BWIU: Incorporates alterations of 29/04/2013 in matter R2013/225]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 74 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction

Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

(viii) Any person who, at the date of certification of this sub-rule, is a member of the Victorian Divisional Branch or the Tasmanian Divisional Branch shall be and become a member of the Victoria-Tasmania Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Tasmanian Divisional Branch or the Victorian Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania Divisional Branch. Further provided that the period of membership of the Victoria-Tasmania Divisional Branch shall be the same as that held by such members within the Victorian Divisional Branch or Tasmanian Divisional Branch, as the case may be.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the

Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Construction Workers Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Construction Workers Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the

date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

Further, the Victoria-Tasmania Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

Further, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) and three (3) Divisional Vice-Presidents one from each of the Victoria-Tasmania, New South Wales and Queensland Builders Labourers Divisional Branches.

The Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Queensland Construction Workers Divisional Branch. Each of the three Divisional Vice-Presidents shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches.

The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

The Divisional Branch Assistant Secretary (designated) of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The person holding the office of Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) immediately prior to the date of certification of this paragraph of sub-rule 1, shall, until 1 January 2013 only, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive

may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch)

Provided however that the operation of the Victoria-Tasmania Divisional Branch shall be reviewed by the Divisional Executive with a view to re-establishing separate Divisional Branches in the States of Victoria and Tasmania where, in the opinion of the Divisional Executive, the establishment of such separate Divisional Branches is in the interests of the members in those states and the Division as a whole. Such a review shall be completed within three (3) years of the declaration of the ballot for the Divisional Branch elections in 2012.

(ii) Notwithstanding any other rule to the contrary, the Divisional Branch President and the Divisional Branch Secretary of the former Tasmanian Divisional Branch shall upon the establishment of the Victoria-Tasmania Divisional Branch and until the declaration of the Divisional Branch elections in 2012, be and remain delegates to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2013. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January, 2010.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the

Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner

outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Construction Workers Divisional Branch.

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria or Tasmania shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;

(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Construction Workers Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Construction Workers Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the

1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member

shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Further provided that in the case of the Queensland Construction Workers Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such auditor shall also produce and certify a yearly balance sheet.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and

as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) (a) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Vice-President (which position will be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and a Divisional Branch Executive Member, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, 4 Divisional Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, a Divisional Branch Assistant Secretary, a Divisional Branch Senior Vice-President (FEDFA), a Divisional Branch Assistant Secretary (FEDFA), (both of which shall be paid, full-time positions), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of

the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(vii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary Divisional Branch Secretary/Treasurer Divisional Branch Assistant Secretary Divisional Branch President Divisional Branch Senior Vice-President and Vice President Divisional Branch Delegate to Divisional Conference	) 3 years' continuous financial membership
Divisional Branch Management Committee Member District Secretary/Organiser Organiser Sub-Branch Secretary, President, Or Management Committee Member Divisional Branch Trustee (South Australia and Queensland Builders Labourers' Divisional Branches)	) 1 year's continuous financial membership
Divisional Branch Councillor, representatives	) financial membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the

number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Construction Workers Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant

Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

Provided however, and without affecting the term of the office of persons holding office as Divisional Branch Council members immediately prior to the date of certification of this sub-rule, the Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (d) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone:	Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer. Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.
Newcastle Zone:	3 councillors elected by and from members in the Newcastle Zone.
Wollongong Zone:	3 councillors elected by and from members in the Wollongong Zone.
Country Zone: (which is the rest of New South Wales)	3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	1235 - 1890 Inclusive 2000 - 2013 Inclusive 2014 - 2077 Inclusive 2079 - 2098 Inclusive 2099 - 2128 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive

	2160 - 2172 Inclusive 2174 2175 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2557 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2786 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2278 2280 - 2287 Inclusive 2289 - 2296 Inclusive 2297 - 2307 Inclusive 2309 - 2312 Inclusive 2314 - 2317 2319 - 2323 Inclusive 2324 - 2327 Inclusive 2330 - 2331 2334 – 2335 2420 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 - 2527 Inclusive 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2537 2539 2540 - 2541 2574 - 2576 Inclusive 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(d) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.

Camden Zone:	3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.
Country Zone:	3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch.

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

(ii) (A) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule A) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

On and from 2 January 2009, or the declaration of the election in 2008, whichever is the later, the Divisional Branch Management Committee shall, at its first meeting held following the quadrennial election, elect from its members a Divisional Branch Vice-President who shall not, apart from holding the office of Divisional Branch Management Committee member, hold any other office in the Union.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Management Committee may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(A)(A) Despite sub-rule (A), for the quadrennial elections to be held in 2012, and for all quadrennial elections thereafter, the Divisional Branch Council of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Vice-President
(iii) the Divisional Branch Secretary;
(iv) the Divisional Branch Assistant Secretaries;
(v) the Divisional Branch Executive Member;
(vi) 12 members on the Divisional Branch Council who shall be elected by and from the two sub-groups as follows:

(a) 8 Divisional Branch Council members who will be elected by, and from, the members who reside in South East Queensland; and

(b) 4 Divisional Branch Council Members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

subject to the following:

1. in relation to the Divisional Branch President:

   a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch President resides in South East Queensland;

   b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch President resides in Regional Queensland;

2. in relation to the Divisional Branch Vice President:

   a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Vice President resides in South East Queensland;

   b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Vice President resides in Regional Queensland;

3. in relation to the Divisional Branch Executive Member:

a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Executive Member resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Executive Member resides in Regional Queensland;

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Vice President will, subject to this sub-rule, be elected by and from Members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote in accordance with these Rules.

The Divisional Branch Executive Member will not be a full-time official or hold any other office and will, subject to this sub-rule be elected by and from Members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote in accordance with these rules.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Assistant Secretary (General) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Council will, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Council will, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Council may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis

For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council; and

(s) Torres Strait & Torres Strait Regional Council.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset;

(j) Sunshine Coast.

(B)In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of all those persons who were members of the Victorian Divisional Branch Council as at the date this rule took effect together with the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein.

(b) On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations,

drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

c. The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members consisting of 3 members eligible pursuant to National Rule 2(E), 10 members eligible pursuant to National Rule 2(B) and 13 members from all

other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) (a)(1) On and from 2 January, 2009 or the declaration of the election in 2008, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. all the Divisional Branch Assistant Secretaries; and

E. a member elected by, and from, the members of the Divisional Branch Management Committee, who are not full time officials or hold any other office other than the office of Divisional Branch Management Committee member, at its first meeting held following a quadrennial election.

(2) Despite sub-rule (1) above, for the quadrennial elections to be first held in 2012 and for all quadrennial elections thereafter, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. the Divisional Branch Assistant Secretaries; and

E. the Divisional Branch Executive Member.

(3) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule.

(b) The Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of all those persons who were members of the Victorian Divisional Branch Management Committee as at the date this rule took effect namely the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, the Divisional Branch Assistant Secretary (FEDFA), the Divisional Branch Senior Vice-President (FEDFA), the 4 Divisional Branch Vice-Presidents, and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer, together with the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(i) herein.

On and from 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The

balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management

Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

(i) In the Victoria-Tasmania Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA). Provided however that on and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B - DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

(i) On and from the date of certification of this sub-rule and until 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, there shall be a Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch, (Tasmania Sub-Branch), the

members of which shall consist of the following persons who were, immediately prior to this rule taking effect, members of the Tasmanian Divisional Branch Management Committee:-

Name	Office Held within Tasmanian Divisional Branch	Office Held within Victoria-Tasmania Divisional Branch
Bill White	Divisional Branch Secretary	Sub-Branch Secretary
Dale Cracknell	Divisional Branch President	Sub-Branch President
Michael Van de Kamp	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Michael Norris	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Mick Huxley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Roy Smedley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Paul Rainey	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Dickie Post	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member

(ii) On and from 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(iii) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch. Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only. Further provided that the Victoria-Tasmania Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Tasmanian Divisional Branch and the Victorian Divisional Branch immediately prior to the certification of this sub-rule.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria-Tasmania the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch and the Queensland Builders' Labourers' Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, in the Queensland Builders' Labourers' Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch

President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

(c) In the Queensland Builders' Labourers' Divisional Branch, the Divisional Branch Treasurer shall:

(i) be entitled at any time to inspect the financial accounts and records of the Divisional Branch;

(ii) attend all General Meetings of the Divisional Branch and Divisional Branch Executive;

(iii) examine all accounts passed for payment and shall produce the bank pass book for the inspection of the Divisional Branch Executive, Auditors or Divisional Branch Trustees, when called upon to do so;

(iv) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefor;

(v) draw up a report and balance sheet for submission to members in the months of January and December and submit the books and accounts to the Auditor yearly;

(vi) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding one thousand dollars ($1,000) at any one time.

48B - DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D- DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E- DUTIES OF DIVISIONAL BRANCH GUARDIAN - QUEENSLAND BUILDERS LABOURERS DIVISIONAL BRANCH

(1) This rule applies only in relation to the Queensland Builders' Labourers' Divisional Branch.

(2) The Divisional Branch Guardian shall examine all persons in the room before the commencement of business to ensure that only financial members of the Divisional Branch are in attendance. A stranger shall be permitted to attend only with the consent of the Presiding Officer.

(3) The Divisional Branch Guardian shall prevent the admission of any intoxicated persons, and allow no member to leave or enter the room whilst a member is speaking.

(4) The Divisional Branch Guardian shall record in a book all names, Union card numbers and jobs employed on of all members entering the meeting. This book is open for inspection by all financial members on request of the Secretary.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross

misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may

be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

[105N-BWIU: Incorporates alterations of 19/07/2013 in matter R2013/296]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 75 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction

Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

(viii) Any person who, at the date of certification of this sub-rule, is a member of the Victorian Divisional Branch or the Tasmanian Divisional Branch shall be and become a member of the Victoria-Tasmania Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Tasmanian Divisional Branch or the Victorian Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania Divisional Branch. Further provided that the period of membership of the Victoria-Tasmania Divisional Branch shall be the same as that held by such members within the Victorian Divisional Branch or Tasmanian Divisional Branch, as the case may be.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the

Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Construction Workers Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Construction Workers Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the

date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

Further, the Victoria-Tasmania Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

Further, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) and three (3) Divisional Vice-Presidents one from each of the Victoria-Tasmania, New South Wales and Queensland Builders Labourers Divisional Branches.

The Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Queensland Construction Workers Divisional Branch. Each of the three Divisional Vice-Presidents shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches.

The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

The Divisional Branch Assistant Secretary (designated) of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The person holding the office of Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) immediately prior to the date of certification of this paragraph of sub-rule 1, shall, until 1 January 2013 only, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

1.A Notwithstanding the provisions of sub-rule 1 herein, but without affecting the term of office of persons holding office as Divisional Executive members at the date of certification of this sub-rule, for the purpose of the quadrennial Divisional elections to be held in 2013 and thereafter, the Divisional Executive shall be composed of one (1) Divisional President, one (1) Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, provided that in addition to the Divisional Executive members referred to in the immediately preceding paragraph, there shall be an additional Divisional Executive member for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch. For the purpose of this sub-rule the number of financial members shall be the number of such members as at 31 March in the year of the election. Such additional Divisional Executive members shall, notwithstanding sub-rule 2 herein, be nominated and elected by and from the Divisional Conference delegates from the relevant Divisional Branches to which those offices relate, such election to be conducted at the same time as the election of the Divisional Executive members referred to in the preceding paragraph.

Further provided that immediately following the declaration of the result of the election/ballot in accordance with sub-rules 7 or 11 herein, as the case may be, the Divisional Returning Officer shall call for nominations from the newly elected Divisional Executive members, other than the Divisional President, Divisional Secretary and Divisional Assistant Secretaries, for the offices of Divisional Senior Vice-President and Divisional Vice-President, and if necessary, conduct a ballot to determine those positions.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive

may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch)

Provided however that the operation of the Victoria-Tasmania Divisional Branch shall be reviewed by the Divisional Executive with a view to re-establishing separate Divisional Branches in the States of Victoria and Tasmania where, in the opinion of the Divisional Executive, the establishment of such separate Divisional Branches is in the interests of the members in those states and the Division as a whole. Such a review shall be completed within three (3) years of the declaration of the ballot for the Divisional Branch elections in 2012.

(ii) Notwithstanding any other rule to the contrary, the Divisional Branch President and the Divisional Branch Secretary of the former Tasmanian Divisional Branch shall upon the establishment of the Victoria-Tasmania Divisional Branch and until the declaration of the Divisional Branch elections in 2012, be and remain delegates to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Branch referred to above may continue as long as is appropriate but not later than 1 July, 2013. The Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch shall commence discussions on the terms of integration of the two branches as soon as possible but not later than 1 January, 2010.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the

Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner

outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Construction Workers Divisional Branch.

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria or Tasmania shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;

(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Construction Workers Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Construction Workers Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the

1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member

shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Further provided that in the case of the Queensland Construction Workers Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such auditor shall also produce and certify a yearly balance sheet.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and

as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) (a) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Vice-President (which position will be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and a Divisional Branch Executive Member, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, 4 Divisional Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, a Divisional Branch Assistant Secretary, a Divisional Branch Senior Vice-President (FEDFA), a Divisional Branch Assistant Secretary (FEDFA), (both of which shall be paid, full-time positions), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of

the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(vii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary Divisional Branch Secretary/Treasurer Divisional Branch Assistant Secretary Divisional Branch President Divisional Branch Senior Vice-President and Vice President Divisional Branch Delegate to Divisional Conference	) 3 years' continuous financial membership
Divisional Branch Management Committee Member District Secretary/Organiser Organiser Sub-Branch Secretary, President, Or Management Committee Member Divisional Branch Trustee (South Australia and Queensland Builders Labourers' Divisional Branches)	) 1 year's continuous financial membership
Divisional Branch Councillor, representatives	) financial membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the

number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Construction Workers Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant

Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

Provided however, and without affecting the term of the office of persons holding office as Divisional Branch Council members immediately prior to the date of certification of this sub-rule, the Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (d) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone:	Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer. Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.
Newcastle Zone:	3 councillors elected by and from members in the Newcastle Zone.
Wollongong Zone:	3 councillors elected by and from members in the Wollongong Zone.
Country Zone: (which is the rest of New South Wales)	3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	1235 - 1890 Inclusive 2000 - 2013 Inclusive 2014 - 2077 Inclusive 2079 - 2098 Inclusive 2099 - 2128 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive

	2160 - 2172 Inclusive 2174 2175 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2557 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2786 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2278 2280 - 2287 Inclusive 2289 - 2296 Inclusive 2297 - 2307 Inclusive 2309 - 2312 Inclusive 2314 - 2317 2319 - 2323 Inclusive 2324 - 2327 Inclusive 2330 - 2331 2334 – 2335 2420 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 - 2527 Inclusive 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2537 2539 2540 - 2541 2574 - 2576 Inclusive 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(d) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.

Camden Zone:	3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.
Country Zone:	3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch.

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

(ii) (A) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule A) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

On and from 2 January 2009, or the declaration of the election in 2008, whichever is the later, the Divisional Branch Management Committee shall, at its first meeting held following the quadrennial election, elect from its members a Divisional Branch Vice-President who shall not, apart from holding the office of Divisional Branch Management Committee member, hold any other office in the Union.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Management Committee may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(A)(A) Despite sub-rule (A), for the quadrennial elections to be held in 2012, and for all quadrennial elections thereafter, the Divisional Branch Council of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Vice-President
(iii) the Divisional Branch Secretary;
(iv) the Divisional Branch Assistant Secretaries;
(v) the Divisional Branch Executive Member;
(vi) 12 members on the Divisional Branch Council who shall be elected by and from the two sub-groups as follows:

(a) 8 Divisional Branch Council members who will be elected by, and from, the members who reside in South East Queensland; and

(b) 4 Divisional Branch Council Members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

subject to the following:

1. in relation to the Divisional Branch President:

   a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch President resides in South East Queensland;

   b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch President resides in Regional Queensland;

2. in relation to the Divisional Branch Vice President:

   a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Vice President resides in South East Queensland;

   b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Vice President resides in Regional Queensland;

3. in relation to the Divisional Branch Executive Member:

a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Executive Member resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Executive Member resides in Regional Queensland;

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Vice President will, subject to this sub-rule, be elected by and from Members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote in accordance with these Rules.

The Divisional Branch Executive Member will not be a full-time official or hold any other office and will, subject to this sub-rule be elected by and from Members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote in accordance with these rules.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Assistant Secretary (General) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Council will, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Council will, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Council may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis

For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council; and

(s) Torres Strait & Torres Strait Regional Council.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset;

(j) Sunshine Coast.

(B)In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of all those persons who were members of the Victorian Divisional Branch Council as at the date this rule took effect together with the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein.

(b) On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations,

drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

c. The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members consisting of 3 members eligible pursuant to National Rule 2(E), 10 members eligible pursuant to National Rule 2(B) and 13 members from all

other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) (a)(1) On and from 2 January, 2009 or the declaration of the election in 2008, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. all the Divisional Branch Assistant Secretaries; and

E. a member elected by, and from, the members of the Divisional Branch Management Committee, who are not full time officials or hold any other office other than the office of Divisional Branch Management Committee member, at its first meeting held following a quadrennial election.

(2) Despite sub-rule (1) above, for the quadrennial elections to be first held in 2012 and for all quadrennial elections thereafter, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. the Divisional Branch Assistant Secretaries; and

E. the Divisional Branch Executive Member.

(3) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule.

(b) The Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of all those persons who were members of the Victorian Divisional Branch Management Committee as at the date this rule took effect namely the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, the Divisional Branch Assistant Secretary (FEDFA), the Divisional Branch Senior Vice-President (FEDFA), the 4 Divisional Branch Vice-Presidents, and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer, together with the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(i) herein.

On and from 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The

balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management

Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

(i) In the Victoria-Tasmania Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA). Provided however that on and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B - DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

(i) On and from the date of certification of this sub-rule and until 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, there shall be a Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch, (Tasmania Sub-Branch), the

members of which shall consist of the following persons who were, immediately prior to this rule taking effect, members of the Tasmanian Divisional Branch Management Committee:-

Name	Office Held within Tasmanian Divisional Branch	Office Held within Victoria-Tasmania Divisional Branch
Bill White	Divisional Branch Secretary	Sub-Branch Secretary
Dale Cracknell	Divisional Branch President	Sub-Branch President
Michael Van de Kamp	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Michael Norris	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Mick Huxley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Roy Smedley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Paul Rainey	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Dickie Post	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member

(ii) On and from 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(iii) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch. Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only. Further provided that the Victoria-Tasmania Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Tasmanian Divisional Branch and the Victorian Divisional Branch immediately prior to the certification of this sub-rule.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria-Tasmania the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch and the Queensland Builders' Labourers' Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, in the Queensland Builders' Labourers' Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch

President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

(c) In the Queensland Builders' Labourers' Divisional Branch, the Divisional Branch Treasurer shall:

(i) be entitled at any time to inspect the financial accounts and records of the Divisional Branch;

(ii) attend all General Meetings of the Divisional Branch and Divisional Branch Executive;

(iii) examine all accounts passed for payment and shall produce the bank pass book for the inspection of the Divisional Branch Executive, Auditors or Divisional Branch Trustees, when called upon to do so;

(iv) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefor;

(v) draw up a report and balance sheet for submission to members in the months of January and December and submit the books and accounts to the Auditor yearly;

(vi) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding one thousand dollars ($1,000) at any one time.

48B - DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D- DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E- DUTIES OF DIVISIONAL BRANCH GUARDIAN - QUEENSLAND BUILDERS LABOURERS DIVISIONAL BRANCH

(1) This rule applies only in relation to the Queensland Builders' Labourers' Divisional Branch.

(2) The Divisional Branch Guardian shall examine all persons in the room before the commencement of business to ensure that only financial members of the Divisional Branch are in attendance. A stranger shall be permitted to attend only with the consent of the Presiding Officer.

(3) The Divisional Branch Guardian shall prevent the admission of any intoxicated persons, and allow no member to leave or enter the room whilst a member is speaking.

(4) The Divisional Branch Guardian shall record in a book all names, Union card numbers and jobs employed on of all members entering the meeting. This book is open for inspection by all financial members on request of the Secretary.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross

misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may

be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

[105N-BWIU: Incorporates alterations of 25/07/2013 in matter R2013/326]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 74 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction

Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

(viii) Any person who, at the date of certification of this sub-rule, is a member of the Victorian Divisional Branch or the Tasmanian Divisional Branch shall be and become a member of the Victoria-Tasmania Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Tasmanian Divisional Branch or the Victorian Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania Divisional Branch. Further provided that the period of membership of the Victoria-Tasmania Divisional Branch shall be the same as that held by such members within the Victorian Divisional Branch or Tasmanian Divisional Branch, as the case may be.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the

Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Construction Workers Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Construction Workers Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the

date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Construction Workers Divisional Branch.

The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

Further, the Victoria-Tasmania Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

Further, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) and three (3) Divisional Vice-Presidents one from each of the Victoria-Tasmania, New South Wales and Queensland Builders Labourers Divisional Branches.

The Divisional Senior Vice-President (Queensland Construction Workers Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Queensland Construction Workers Divisional Branch. Each of the three Divisional Vice-Presidents shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches.

The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

The Divisional Branch Assistant Secretary (designated) of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The person holding the office of Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) immediately prior to the date of certification of this paragraph of sub-rule 1, shall, until 1 January 2013 only, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

1.A Notwithstanding the provisions of sub-rule 1 herein, but without affecting the term of office of persons holding office as Divisional Executive members at the date of certification of this sub-rule, for the purpose of the quadrennial Divisional elections to be held in 2013 and thereafter, the Divisional Executive shall be composed of one (1) Divisional President, one (1) Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, provided that in addition to the Divisional Executive members referred to in the immediately preceding paragraph, there shall be an additional Divisional Executive member for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch. For the purpose of this sub-rule the number of financial members shall be the number of such members as at 31 March in the year of the election. Such additional Divisional Executive members shall, notwithstanding sub-rule 2 herein, be nominated and elected by and from the Divisional Conference delegates from the relevant Divisional Branches to which those offices relate, such election to be conducted at the same time as the election of the Divisional Executive members referred to in the preceding paragraph.

Further provided that immediately following the declaration of the result of the election/ballot in accordance with sub-rules 7 or 11 herein, as the case may be, the Divisional Returning Officer shall call for nominations from the newly elected Divisional Executive members, other than the Divisional President, Divisional Secretary and Divisional Assistant Secretaries, for the offices of Divisional Senior Vice-President and Divisional Vice-President, and if necessary, conduct a ballot to determine those positions.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may

demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch)

Provided however that the operation of the Victoria-Tasmania Divisional Branch shall be reviewed by the Divisional Executive with a view to re-establishing separate Divisional Branches in the States of Victoria and Tasmania where, in the opinion of the Divisional Executive, the establishment of such separate Divisional Branches is in the interests of the members in those states and the Division as a whole. Such a review shall be completed within three (3) years of the declaration of the ballot for the Divisional Branch elections in 2012.

(ii) Notwithstanding any other rule to the contrary, the Divisional Branch President and the Divisional Branch Secretary of the former Tasmanian Divisional Branch shall upon the establishment of the Victoria-Tasmania Divisional Branch and until the declaration of the Divisional Branch elections in 2012, be and remain delegates to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch respectively. The Builders Labourers' Divisional Branch shall

consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Construction Workers Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Divisional Branch referred to above may continue to exist as a Divisional Branch until no later than 31 December 2013. The Queensland Builders Labourers' Divisional Branch and the Queensland Construction Workers Divisional Branch shall, with the assistance of one or more Divisional Officers as determined by the Divisional Executive, conclude discussions on the terms of the integration of the two divisional branches as soon as possible but in any event in sufficient time such as to allow the formalisation of the integration of the Divisional Branches to occur on or before 31 December 2013.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Construction Workers Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA

Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected,

appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Construction Workers Divisional Branch.

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria or Tasmania shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Construction Workers Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Construction Workers Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Further provided that in the case of the Queensland Construction Workers Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report

setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such auditor shall also produce and certify a yearly balance sheet.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) (a) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Construction Workers Divisional Branch the officers of the Divisional Branch shall, on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Vice-President (which position will be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and a Divisional Branch Executive Member, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such

number of Organisers as the Divisional Branch Management Committee from time to time determines.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, 4 Divisional Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, a Divisional Branch Assistant Secretary, a Divisional Branch Senior Vice-President (FEDFA), a Divisional Branch Assistant Secretary (FEDFA), (both of which shall be paid, full-time positions), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(vii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any

time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	)
Divisional Branch President	) 3 years'
Divisional Branch Senior Vice-	) continuous financial
President and Vice President	) membership
Divisional Branch Delegate to	)

Divisional Conference	)
Divisional Branch Management Committee Member District Secretary/Organiser Organiser Sub-Branch Secretary, President, Or Management Committee Member Divisional Branch Trustee (South Australia and Queensland Builders Labourers' Divisional Branches)	) 1 year's continuous financial membership
Divisional Branch Councillor, representatives	) financial membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Construction Workers Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

Provided however, and without affecting the term of the office of persons holding office as Divisional Branch Council members immediately prior to the date of certification of this sub-rule, the Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (d) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	1235 - 1890 Inclusive 2000 - 2013 Inclusive 2014 - 2077 Inclusive 2079 - 2098 Inclusive 2099 - 2128 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive 2174 2175 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2557 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2786 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2278 2280 - 2287 Inclusive 2289 - 2296 Inclusive 2297 - 2307 Inclusive 2309 - 2312 Inclusive 2314 - 2317 2319 - 2323 Inclusive 2324 - 2327 Inclusive 2330 - 2331 2334 – 2335 2420 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 - 2527 Inclusive 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2537 2539 2540 - 2541

	2574 - 2576 Inclusive 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(d) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.
Camden Zone:	3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.
Country Zone:	3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch.

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

(ii) (A) On and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the State Management Committee of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Secretary;
(iii) all the Divisional Branch Assistant Secretaries;
(iv) 16 members on the State Management Committee who shall be elected by and from the three sub-groups as follows:

(a) 10 from those eligible for membership by virtue of National Rule 2(A)(a)(i) and (ii);

(b) 2 from those eligible for membership by virtue of National Rule 2(A)(b);

(c) 5 from those eligible for membership by virtue of National Rule 2(E),

subject to the proviso relating to the Divisional Branch President that the number of Management Committee members elected from the subgroup which corresponds to the eligibility of the Divisional Branch President shall be reduced by one.

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Assistant Secretaries (other than as prescribed by this sub-rule A) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

On and from 2 January 2009, or the declaration of the election in 2008, whichever is the later, the Divisional Branch Management Committee shall, at its first meeting held following the quadrennial election, elect from its members a Divisional Branch Vice-President who shall not, apart from holding the office of Divisional Branch Management Committee member, hold any other office in the Union.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Management Committee shall not less than three (3) months prior to the closing of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Management Committee may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(A)(A) Despite sub-rule (A), for the quadrennial elections to be held in 2012, and for all quadrennial elections thereafter, the Divisional Branch Council of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Vice-President
(iii) the Divisional Branch Secretary;
(iv) the Divisional Branch Assistant Secretaries;
(v) the Divisional Branch Executive Member;
(vi) 12 members on the Divisional Branch Council who shall be elected by and from the two sub-groups as follows:

(a) 8 Divisional Branch Council members who will be elected by, and from, the members who reside in South East Queensland; and

(b) 4 Divisional Branch Council Members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

subject to the following:

1. in relation to the Divisional Branch President:

a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch President resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the

Divisional Branch President resides in Regional Queensland;

2. in relation to the Divisional Branch Vice President:

   a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Vice President resides in South East Queensland;

   b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Vice President resides in Regional Queensland;

3. in relation to the Divisional Branch Executive Member:

   a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Executive Member resides in South East Queensland;

   b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Executive Member resides in Regional Queensland;

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Vice President will, subject to this sub-rule, be elected by and from Members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote in accordance with these Rules.

The Divisional Branch Executive Member will not be a full-time official or hold any other office and will, subject to this sub-rule be elected by and from Members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote in accordance with these rules.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Assistant Secretary (General) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Council will, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Council will, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Council may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis

For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council; and

(s) Torres Strait & Torres Strait Regional Council.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset;

(j) Sunshine Coast.

(B) In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of all those persons who were members of the Victorian Divisional Branch Council as at the date this rule took effect together with the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein.

(b) On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

c. The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the

South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members consisting of 3 members eligible pursuant to National Rule 2(E), 10 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) (a)(1) On and from 2 January, 2009 or the declaration of the election in 2008, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. all the Divisional Branch Assistant Secretaries; and

E. a member elected by, and from, the members of the Divisional Branch Management Committee, who are not full time officials or hold any other office other than the office of Divisional Branch Management Committee member, at its first meeting held following a quadrennial election.

(2) Despite sub-rule (1) above, for the quadrennial elections to be first held in 2012 and for all quadrennial elections thereafter, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. the Divisional Branch Assistant Secretaries; and

E. the Divisional Branch Executive Member.

(3) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Construction Workers Divisional Branch be taken so far as the context allows to be a reference to the Queensland Construction Workers Divisional Branch Executive established in accordance with this sub-rule.

(b) The Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of all those persons who were members of the Victorian Divisional Branch Management Committee as at the date this rule took effect namely the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, the Divisional Branch Assistant Secretary (FEDFA), the Divisional Branch Senior Vice-President (FEDFA), the 4 Divisional Branch Vice-Presidents, and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer, together with the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(i) herein.

On and from 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone

masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

(i) In the Victoria-Tasmania Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA). Provided however that on and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B - DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

(i) On and from the date of certification of this sub-rule and until 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, there shall be a Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch, (Tasmania Sub-Branch), the members of which shall consist of the following persons who were, immediately prior to this rule taking effect, members of the Tasmanian Divisional Branch Management Committee:-

Name	Office Held within Tasmanian Divisional Branch	Office Held within Victoria-Tasmania Divisional Branch
Bill White	Divisional Branch Secretary	Sub-Branch Secretary
Dale Cracknell	Divisional Branch President	Sub-Branch President
Michael Van de Kamp	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Michael Norris	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Mick Huxley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Roy Smedley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Paul Rainey	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Dickie Post	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member

(ii) On and from 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(iii) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch. Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only. Further provided that the Victoria-Tasmania Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Tasmanian Divisional Branch and the Victorian Divisional Branch immediately prior to the certification of this sub-rule.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria-Tasmania the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch and the Queensland Builders' Labourers' Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, in the Queensland Builders' Labourers' Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

(c) In the Queensland Builders' Labourers' Divisional Branch, the Divisional Branch Treasurer shall:

(i) be entitled at any time to inspect the financial accounts and records of the Divisional Branch;

(ii) attend all General Meetings of the Divisional Branch and Divisional Branch Executive;

(iii) examine all accounts passed for payment and shall produce the bank pass book for the inspection of the Divisional Branch Executive, Auditors or Divisional Branch Trustees, when called upon to do so;

(iv) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefor;

(v) draw up a report and balance sheet for submission to members in the months of January and December and submit the books and accounts to the Auditor yearly;

(vi) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding one thousand dollars ($1,000) at any one time.

48B - DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D- DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E- DUTIES OF DIVISIONAL BRANCH GUARDIAN - QUEENSLAND BUILDERS LABOURERS DIVISIONAL BRANCH

(1) This rule applies only in relation to the Queensland Builders' Labourers' Divisional Branch.

(2) The Divisional Branch Guardian shall examine all persons in the room before the commencement of business to ensure that only financial members of the Divisional Branch are in attendance. A stranger shall be permitted to attend only with the consent of the Presiding Officer.

(3) The Divisional Branch Guardian shall prevent the admission of any intoxicated persons, and allow no member to leave or enter the room whilst a member is speaking.

(4) The Divisional Branch Guardian shall record in a book all names, Union card numbers and jobs employed on of all members entering the meeting. This book is open for inspection by all financial members on request of the Secretary.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found

guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.

10. Secretary's Cash Account.

11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of

members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

[105N-BWIU: Incorporates alterations of 4/11/2013 in matter R2013/427]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 76 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction

Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

(viii) Any person who, at the date of certification of this sub-rule, is a member of the Victorian Divisional Branch or the Tasmanian Divisional Branch shall be and become a member of the Victoria-Tasmania Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Tasmanian Divisional Branch or the Victorian Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania Divisional Branch. Further provided that the period of membership of the Victoria-Tasmania Divisional Branch shall be the same as that held by such members within the Victorian Divisional Branch or Tasmanian Divisional Branch, as the case may be.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the

Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Northern Territory Divisional Branch.

The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

Further, the Victoria-Tasmania Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

Further, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Senior Vice-President (Queensland Northern Territory Divisional Branch) and three (3) Divisional Vice-Presidents one from each of the Victoria-Tasmania, New South Wales and Queensland Builders Labourers Divisional Branches.

The Divisional Senior Vice-President (Queensland Northern Territory Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Queensland Northern Territory Divisional Branch. Each of the three Divisional Vice-Presidents shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches.

The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

The Divisional Branch Assistant Secretary (designated) of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The person holding the office of Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) immediately prior to the date of certification of this paragraph of sub-rule 1, shall, until 1 January 2013 only, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

1.A Notwithstanding the provisions of sub-rule 1 herein, but without affecting the term of office of persons holding office as Divisional Executive members at the date of certification of this sub-rule, for the purpose of the quadrennial Divisional elections to be held in 2013 and thereafter, the Divisional Executive shall be composed of one (1) Divisional President, one (1) Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, provided that in addition to the Divisional Executive members referred to in the immediately preceding paragraph, there shall be an additional Divisional Executive member for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch. For the purpose of this sub-rule the number of financial members shall be the number of such members as at 31 March in the year of the election. Such additional Divisional Executive members shall, notwithstanding sub-rule 2 herein, be nominated and elected by and from the Divisional Conference delegates from the relevant Divisional Branches to which those offices relate, such election to be conducted at the same time as the election of the Divisional Executive members referred to in the preceding paragraph.

Further provided that immediately following the declaration of the result of the election/ballot in accordance with sub-rules 7 or 11 herein, as the case may be, the Divisional Returning Officer shall call for nominations from the newly elected Divisional Executive members, other than the Divisional President, Divisional Secretary and Divisional Assistant Secretaries, for the offices of Divisional Senior Vice-President and Divisional Vice-President, and if necessary, conduct a ballot to determine those positions.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may

demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch)

Provided however that the operation of the Victoria-Tasmania Divisional Branch shall be reviewed by the Divisional Executive with a view to re-establishing separate Divisional Branches in the States of Victoria and Tasmania where, in the opinion of the Divisional Executive, the establishment of such separate Divisional Branches is in the interests of the members in those states and the Division as a whole. Such a review shall be completed within three (3) years of the declaration of the ballot for the Divisional Branch elections in 2012.

(ii) Notwithstanding any other rule to the contrary, the Divisional Branch President and the Divisional Branch Secretary of the former Tasmanian Divisional Branch shall upon the establishment of the Victoria-Tasmania Divisional Branch and until the declaration of the Divisional Branch elections in 2012, be and remain delegates to the Divisional Conference of the CFMEU, Construction and General Division.

(c) (i) In the State of Queensland there shall be two (2) Divisional Branches which shall be the CFMEU, Construction and General Division, Queensland Builders Labourers' Divisional Branch and the CFMEU, Construction and General Division, Queensland Northern Territory Divisional Branch respectively. The Builders Labourers' Divisional Branch shall

consist of all members who were, on 31 March 1994, members of the Australian Building Construction Employees and Builders Labourers Federation, in the Branch that existed in each of the aforesaid States and any members rendered eligible for membership in that State by virtue of Rule 2(B) of the National Rules. All other members of the Division in that State shall be in the Queensland Northern Territory Divisional Branch for that State.

(ii) The Queensland Builders Labourers' Divisional Branch referred to above may continue to exist as a Divisional Branch until no later than 31 December 2013. The Queensland Builders Labourers' Divisional Branch and the Queensland Northern Territory Divisional Branch shall, with the assistance of one or more Divisional Officers as determined by the Divisional Executive, conclude discussions on the terms of the integration of the two divisional branches as soon as possible but in any event in sufficient time such as to allow the formalisation of the integration of the Divisional Branches to occur on or before 31 December 2013.

(iii) Notwithstanding any other Rule to the contrary, while the Builders Labourers' Divisional Branch continues its separate existence, it shall have autonomous control over the funds it receives, subject to the payment of capitation fees in accordance with Rule 14(i) herein. This sub-rule shall not be altered except by agreement with the Builders Labourers' Divisional Branch in the particular State.

(iv) While each Builders Labourers Divisional Branch continues its separate existence, the demarcation between the Builders Labourers' Divisional Branch and the Queensland Northern Territory Divisional Branch in the particular State shall be in accordance with the status quo and custom and practice of coverage as between the two (2) or more State registered Unions in the particular State and any and all resolution of demarcation disputes which have been determined by the Industrial Relations Tribunal in the particular State currently existing or its predecessor. Where any disagreement occurs between the two Divisional Branches of this Division in the particular State the matter shall be referred to the Divisional Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph and shall not detract from the right of the particular Industrial Relations Tribunal in that State to demark matters between the State registered Unions.

If the State registered Unions have already amalgamated, then the Secretary of each Divisional Branch may jointly appoint an independent arbitrator to determine the demarcation.

(v) When the Divisional Branches in each State integrate then, subject to any agreement between the two Divisional Branch Secretaries prior to integration by which agreement this rule will be amended in its application to that integrated Divisional Branch and subject to the Rules relating to card voting systems, if any, applicable to the positions outlined herein, and the Rules relating to different functions for different officers or any other rule, the Divisional Branch President and the Divisional Branch Secretary shall have and enjoy amongst them equal rank and status in the Union. Provided that nothing in this rule prevents different officers being allocated different tasks to perform within, for, or on behalf of the Union, the Division or the Divisional Branch.

In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA

Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected,

appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Northern Territory Divisional Branch.

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria or Tasmania shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Northern Territory Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Northern Territory Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Further provided that in the case of the Queensland Northern Territory Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report

setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such auditor shall also produce and certify a yearly balance sheet.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) (a) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, in the Queensland Northern Territory Divisional Branch the officers of the Divisional Branch shall, on and from 2 January 2009 or the declaration of the election in 2008, whichever is the later, consist of the Divisional Branch President (which position shall be honorary), the Divisional Branch Vice-President (which position will be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and a Divisional Branch Executive Member, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(b) In the Queensland Builders Labourers Divisional Branch the officers of the Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and the Divisional Branch Executive members together with such number of Organisers as may be deemed necessary and as the Divisional Branch Executive may from time to time determine.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such

number of Organisers as the Divisional Branch Management Committee from time to time determines.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, 4 Divisional Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, a Divisional Branch Assistant Secretary, a Divisional Branch Senior Vice-President (FEDFA), a Divisional Branch Assistant Secretary (FEDFA), (both of which shall be paid, full-time positions), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

(vii) Each Builders Labourers Divisional Branch shall be governed by a Divisional Branch Management Committee which shall consist of all of the officers of the Divisional Branch concerned save for the Divisional Branch Delegates to Divisional Conference. For the purposes of these Rules the Divisional Branch Management Committee for the Builders Labourers Divisional Branches in each State shall have all of the powers of a Divisional Branch Management Committee and Divisional Branch Council given to such bodies under these Rules and any reference in these Rules to the powers, duties and responsibilities of a Divisional Branch Management Committee and/or Divisional Branch Council shall be read and construed as a reference in relation to the Builders Labourers Divisional Branches to the Divisional Branch Management Committee established in accordance with this Rule and identified on an interim basis in Divisional Rule 18. Any reference to the composition and structure of the Divisional Branch Management Committee or Council in those States in any other Rule shall be taken to be a reference to the Construction Workers Divisional Branch Council.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any

time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	)
Divisional Branch President	) 3 years'
Divisional Branch Senior Vice-	) continuous financial
President and Vice President	) membership
Divisional Branch Delegate to	)

Divisional Conference	)
Divisional Branch Management Committee Member District Secretary/Organiser Organiser Sub-Branch Secretary, President, Or Management Committee Member Divisional Branch Trustee (South Australia and Queensland Builders Labourers' Divisional Branches)	) 1 year's continuous financial membership
Divisional Branch Councillor, representatives	) financial membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Northern Territory Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

Provided however, and without affecting the term of the office of persons holding office as Divisional Branch Council members immediately prior to the date of certification of this sub-rule, the Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (d) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	1235 - 1890 Inclusive 2000 - 2013 Inclusive 2014 - 2077 Inclusive 2079 - 2098 Inclusive 2099 - 2128 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive 2174 2175 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2557 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2786 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2278 2280 - 2287 Inclusive 2289 - 2296 Inclusive 2297 - 2307 Inclusive 2309 - 2312 Inclusive 2314 - 2317 2319 - 2323 Inclusive 2324 - 2327 Inclusive 2330 - 2331 2334 – 2335 2420 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 - 2527 Inclusive 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2537 2539 2540 - 2541

	2574 - 2576 Inclusive 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(d) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.
Camden Zone:	3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.
Country Zone:	3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch.

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

(ii) (A) For the quadrennial elections to be held in 2012, and for all quadrennial elections thereafter, the Divisional Branch Council of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Vice-President
(iii) the Divisional Branch Secretary;
(iv) the Divisional Branch Assistant Secretaries;
(v) the Divisional Branch Executive Member;
(vi) 12 members on the Divisional Branch Council who shall be elected by and from the two sub-groups as follows:

(a) 8 Divisional Branch Council members who will be elected by, and from, the members who reside in South East Queensland; and

(b) 4 Divisional Branch Council Members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

subject to the following:

1. in relation to the Divisional Branch President:

a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch President resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch President resides in Regional Queensland;

2. in relation to the Divisional Branch Vice President:

a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Vice President resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Vice President resides in Regional Queensland;

3. in relation to the Divisional Branch Executive Member:

a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Executive Member resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Executive Member resides in Regional Queensland;

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Vice President will, subject to this sub-rule, be elected by and from Members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote in accordance with these Rules.

The Divisional Branch Executive Member will not be a full-time official or hold any other office and will, subject to this sub-rule be elected by and from Members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote in accordance with these rules.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Assistant Secretary (General) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Council will, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Council will, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Council may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis

For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council; and

(s) Torres Strait & Torres Strait Regional Council.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset;

(j) Sunshine Coast.

(B) Despite sub-rule (A) but without affecting the term of office of the Divisional Branch Council members elected to office at the 2012 Divisional Branch elections, on and from the date of certification of this sub-rule, and for all quadrennial elections thereafter, the Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Vice-President
(iii) the Divisional Branch Secretary;
(iv) the Divisional Branch Assistant Secretaries;
(v) the Divisional Branch Executive Member;
(vi) 12 members on the Divisional Branch Council who shall be elected by and from the two sub-groups as follows:

(a) 8 Divisional Branch Council members who will be elected by, and from, the members who reside in South East Queensland;

(b) 3 Divisional Branch Council Members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) 1 Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory,

subject to the following:

1. in relation to the Divisional Branch President the:

a. number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch President resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch President resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vi)(c) is to be reduced by one if the Divisional Branch President resides in the Northern Territory;

2. in relation to the Divisional Branch Vice President the:

a. number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Vice President resides in South East Queensland;

b. number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Vice President resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vi)(c) is to be reduced by one if the Divisional Branch Vice President resides in the Northern Territory;

3. in relation to the Divisional Branch Executive Member the:

a. number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Executive Member resides in South East Queensland;

b. number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Executive Member resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vi)(c) is to be reduced by one if the Divisional Branch Executive Member resides in the Northern Territory;

The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, Divisional Branch President and the Divisional Branch Vice President shall, subject to this sub-rule, be elected by and from Members of the Queensland Northern Territory Divisional Branch, who are eligible to nominate and vote in accordance with these Rules.

The Divisional Branch Executive Member shall not be a full-time official or hold any other office and shall, subject to this sub-rule be elected by and from Members of the Queensland Northern Territory Divisional Branch, who are eligible to nominate and vote in accordance with these rules.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Northern Territory Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Northern Territory Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Assistant Secretary (General) shall be elected by and from all members of the Queensland Northern Territory Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Council may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis

For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council; and

(s) Torres Strait & Torres Strait Regional Council.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset;

(j) Sunshine Coast.

(C) In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of all those persons who were members of the Victorian Divisional Branch Council as at the date this rule took effect together with the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein.

(b) On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

c. The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the

South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members consisting of 3 members eligible pursuant to National Rule 2(E), 10 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) (a)(1) On and from 2 January, 2009 or the declaration of the election in 2008, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. all the Divisional Branch Assistant Secretaries; and

E. a member elected by, and from, the members of the Divisional Branch Management Committee, who are not full time officials or hold any other office other than the office of Divisional Branch Management Committee member, at its first meeting held following a quadrennial election.

(2) Despite sub-rule (1) above, for the quadrennial elections to be first held in 2012 and for all quadrennial elections thereafter, in the Queensland Northern Territory Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. the Divisional Branch Assistant Secretaries; and

E. the Divisional Branch Executive Member.

(3) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Northern Territory Divisional Branch be taken so far as the context allows to be a reference to the Queensland Northern Territory Divisional Branch Executive established in accordance with this sub-rule.

(b) The Divisional Branch Executive members of the Queensland Builders Labourers Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Vice-President, the Divisional Branch Treasurer, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, two Divisional Branch Trustees, a Divisional Branch Guardian and 4 other members.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of all those persons who were members of the Victorian Divisional Branch Management Committee as at the date this rule took effect namely the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, the Divisional Branch Assistant Secretary (FEDFA), the Divisional Branch Senior Vice-President (FEDFA), the 4 Divisional Branch Vice-Presidents, and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer, together with the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(i) herein.

On and from 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone

masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

(i) In the Victoria-Tasmania Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA). Provided however that on and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B - DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

(i) On and from the date of certification of this sub-rule and until 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, there shall be a Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch, (Tasmania Sub-Branch), the members of which shall consist of the following persons who were, immediately prior to this rule taking effect, members of the Tasmanian Divisional Branch Management Committee:-

Name	Office Held within Tasmanian Divisional Branch	Office Held within Victoria-Tasmania Divisional Branch
Bill White	Divisional Branch Secretary	Sub-Branch Secretary
Dale Cracknell	Divisional Branch President	Sub-Branch President
Michael Van de Kamp	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Michael Norris	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Mick Huxley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Roy Smedley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Paul Rainey	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Dickie Post	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member

(ii) On and from 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(iii) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch. Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only. Further provided that the Victoria-Tasmania Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Tasmanian Divisional Branch and the Victorian Divisional Branch immediately prior to the certification of this sub-rule.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In New South Wales and Victoria-Tasmania the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, the Queensland Builders Labourers Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch and the Queensland Builders' Labourers' Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary. The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, in the Queensland Builders' Labourers' Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

(c) In the Queensland Builders' Labourers' Divisional Branch, the Divisional Branch Treasurer shall:

(i) be entitled at any time to inspect the financial accounts and records of the Divisional Branch;

(ii) attend all General Meetings of the Divisional Branch and Divisional Branch Executive;

(iii) examine all accounts passed for payment and shall produce the bank pass book for the inspection of the Divisional Branch Executive, Auditors or Divisional Branch Trustees, when called upon to do so;

(iv) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefor;

(v) draw up a report and balance sheet for submission to members in the months of January and December and submit the books and accounts to the Auditor yearly;

(vi) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding one thousand dollars ($1,000) at any one time.

48B - DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D- DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E- DUTIES OF DIVISIONAL BRANCH GUARDIAN - QUEENSLAND BUILDERS LABOURERS DIVISIONAL BRANCH

(1) This rule applies only in relation to the Queensland Builders' Labourers' Divisional Branch.

(2) The Divisional Branch Guardian shall examine all persons in the room before the commencement of business to ensure that only financial members of the Divisional Branch are in attendance. A stranger shall be permitted to attend only with the consent of the Presiding Officer.

(3) The Divisional Branch Guardian shall prevent the admission of any intoxicated persons, and allow no member to leave or enter the room whilst a member is speaking.

(4) The Divisional Branch Guardian shall record in a book all names, Union card numbers and jobs employed on of all members entering the meeting. This book is open for inspection by all financial members on request of the Secretary.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found

guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.

10. Secretary's Cash Account.

11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(i) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of

members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

[105N-BWIU: Incorporates alterations of 31 January 2014 in matter R2013/483]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 82 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

“commencement day” means the date provided by rule 69(iB)(c)

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“QBLDB” means the Queensland Builders Labourers Divisional Branch.

“QNTDB” means the Queensland Northern Territory Divisional Branch.

“UNFINANCIAL DIVISIONAL BRANCH” shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional

Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

(viii) Any person who, at the date of certification of this sub-rule, is a member of the Victorian Divisional Branch or the Tasmanian Divisional Branch shall be and become a member of the Victoria-Tasmania Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Tasmanian Divisional Branch or the Victorian Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania Divisional Branch. Further provided that the period of membership of the Victoria-Tasmania Divisional Branch shall be the same as that held by such members within the Victorian Divisional Branch or Tasmanian Divisional Branch, as the case may be.

(ix) Any person who, at the date of certification of this sub-rule, is a member of the QBLDB shall become a member of the QNTDB and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the QBLDB as at the date this rule takes effect shall become an amount owing to the QNTDB. Further provided that the period of membership of the QNTDB shall be the same as that held by such members within the QBLDB.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-

rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viiA) Those members of the QNTDB and the QBLDB who held office as Divisional Conference Delegates on the day preceding the commencement day shall continue in office and be Divisional Conference Delegates for the QNTDB.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

   Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

   Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Northern Territory Divisional Branch.

   The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

   Further, the Victoria-Tasmania Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

   The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

   The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

   Further, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Senior Vice-President (Queensland Northern Territory Divisional Branch) and three (3) Divisional Vice-Presidents one from each of the Victoria-Tasmania, New South Wales and Queensland Builders Labourers Divisional Branches.

   The Divisional Senior Vice-President (Queensland Northern Territory Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Queensland Northern Territory Divisional Branch. Each of the three Divisional Vice-Presidents shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches.

   The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in

accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

The Divisional Branch Assistant Secretary (designated) of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Executive and be a member of the National Conference and National Executive of the union.

The person holding the office of Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) immediately prior to the date of certification of this paragraph of sub-rule 1, shall, until 1 January 2013 only, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

Those members of the QNTDB and QBLDB who held office on the Divisional Executive on the day preceding the commencement day shall continue in office and be Divisional Executive members for the term of office ending in 2017.

1.A Notwithstanding the provisions of sub-rule 1 herein, but without affecting the term of office of persons holding office as Divisional Executive members at the date of certification of this sub-rule, for the purpose of the quadrennial Divisional elections to be held in 2013 and thereafter, the Divisional Executive shall be composed of one (1) Divisional President, one (1) Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, provided that in addition to the Divisional Executive members referred to in the immediately preceding paragraph, there shall be an additional Divisional Executive member for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch. For the purpose of this sub-rule the number of financial members shall be the number of such members as at 31 March in the year of the election. Such additional Divisional Executive members shall, notwithstanding sub-rule 2 herein, be nominated and elected by and from the Divisional Conference delegates from the relevant Divisional Branches to which those offices relate, such election to be conducted at the same time as the election of the Divisional Executive members referred to in the preceding paragraph.

Further provided that immediately following the declaration of the result of the election/ballot in accordance with sub-rules 7 or 11 herein, as the case may be, the Divisional Returning Officer shall call for nominations from the newly elected Divisional Executive members, other than the Divisional President, Divisional Secretary and Divisional Assistant Secretaries, for the offices of Divisional Senior Vice-President and Divisional Vice-President, and if necessary, conduct a ballot to determine those positions.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the

union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch)

Provided however that the operation of the Victoria-Tasmania Divisional Branch shall be reviewed by the Divisional Executive with a view to re-establishing separate Divisional Branches in the States of Victoria and Tasmania where, in the opinion of the Divisional Executive, the establishment of such separate Divisional Branches is in the interests of the members in those states and the Division as a whole. Such a review shall be completed within three (3) years of the declaration of the ballot for the Divisional Branch elections in 2012.

(ii) Notwithstanding any other rule to the contrary, the Divisional Branch President and the Divisional Branch Secretary of the former Tasmanian Divisional Branch shall upon the establishment of the Victoria-Tasmania Divisional Branch and until the declaration of the Divisional Branch elections in 2012, be and remain delegates to the Divisional Conference of the CFMEU, Construction and General Division.

(c) In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the

members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An

amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Northern Territory Divisional Branch.

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria or Tasmania shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;

(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Northern Territory Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Northern Territory Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Further provided that in the case of the Queensland Northern Territory Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such auditor shall also produce and certify a yearly balance sheet.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and

as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) Without affecting the term of office of persons holding office as Divisional Branch Officers in the QNTDB and the QBLDB immediately prior to the date of certification of this sub-rule, in the QNTDB the officers of the Divisional Branch shall, on and from 3 January 2014 and as a result of the merger of the QNTDB and the QBLDB, consist of the Divisional Branch President (which position shall be full-time), two (2) Divisional Branch Senior Vice-Presidents (which positions shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and two Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, 4 Divisional Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, a Divisional Branch Assistant Secretary, a Divisional Branch Senior Vice-President (FEDFA), a Divisional Branch Assistant Secretary (FEDFA), (both of which shall be paid, full-time positions), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant

Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	)
Divisional Branch President	) 3 years'
Divisional Branch Senior Vice-	) continuous financial
President and Vice President	) membership
Divisional Branch Delegate to	)
Divisional Conference	)

Divisional Branch Management	)
Committee Member	) 1 year's
District Secretary/Organiser	) continuous financial
Organiser	) membership
Sub-Branch Secretary, President,	)
Or Management Committee Member	)
Divisional Branch Trustee (South	)
Australia and Queensland Builders	)
Labourers' Divisional Branches)	)

Divisional Branch Councillor,	) financial
representatives	) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst

candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Northern Territory Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

Provided however, and without affecting the term of the office of persons holding office as Divisional Branch Council members immediately prior to the date of certification of this sub-rule, the Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (d) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13

of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	1235 - 1890 Inclusive
	2000 - 2013 Inclusive
	2014 - 2077 Inclusive
	2079 - 2098 Inclusive
	2099 - 2128 Inclusive
	2129 - 2148 Inclusive
	2150 - 2158 Inclusive
	2160 - 2172 Inclusive
	2174
	2175
	2176 - 2177
	2190 - 2200 Inclusive
	2203 - 2234 Inclusive
	2557 - 2560 Inclusive
	2563 - 2573 Inclusive
	2745
	2747 - 2768 Inclusive
	2770
	2773 - 2786 Inclusive
Newcastle	2159
	2250 - 2251
	2253 - 2265 Inclusive
	2267
	2278
	2280 - 2287 Inclusive
	2289 - 2296 Inclusive
	2297 - 2307 Inclusive
	2309 - 2312 Inclusive
	2314 - 2317
	2319 - 2323 Inclusive
	2324 - 2327 Inclusive

	2330 - 2331 2334 – 2335 2420 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 - 2527 Inclusive 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2537 2539 2540 - 2541 2574 - 2576 Inclusive 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(d) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.
Camden Zone:	3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.
Country Zone:	3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch.

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

(ii) (A) For the quadrennial elections to be held in 2012, and for all quadrennial elections thereafter, the Divisional Branch Council of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Vice-President
(iii) the Divisional Branch Secretary;
(iv) the Divisional Branch Assistant Secretaries;
(v) the Divisional Branch Executive Member;
(vi) 12 members on the Divisional Branch Council who shall be elected by and from the two sub-groups as follows:

(a) 8 Divisional Branch Council members who will be elected by, and from, the members who reside in South East Queensland; and

(b) 4 Divisional Branch Council Members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

subject to the following:

1. in relation to the Divisional Branch President:

   a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch President resides in South East Queensland;

   b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch President resides in Regional Queensland;

2. in relation to the Divisional Branch Vice President:

   a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Vice President resides in South East Queensland;

   b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Vice President resides in Regional Queensland;

3. in relation to the Divisional Branch Executive Member:

   a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Executive Member resides in South East Queensland;

   b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Executive Member resides in Regional Queensland;

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Vice President will, subject to this sub-rule, be elected by and from Members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote in accordance with these Rules.

The Divisional Branch Executive Member will not be a full-time official or hold any other office and will, subject to this sub-rule be elected by and from Members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote in accordance with these rules.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Assistant Secretary (General) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Council will, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Council will, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Council may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis

For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council; and

(s) Torres Strait & Torres Strait Regional Council.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset;

(j) Sunshine Coast.

(B) Despite sub-rule (A) but without affecting the term of office of the Divisional Branch Council members elected to office at the 2012 Divisional Branch elections, on and from the date of certification of this sub-rule, and for all quadrennial elections thereafter, the Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Vice-President
(iii) the Divisional Branch Secretary;
(iv) the Divisional Branch Assistant Secretaries;
(v) the Divisional Branch Executive Member;
(vi) 12 members on the Divisional Branch Council who shall be elected by and from the two sub-groups as follows:

(a) 8 Divisional Branch Council members who will be elected by, and from, the members who reside in South East Queensland;

(b) 3 Divisional Branch Council Members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) 1 Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory,

subject to the following:

1. in relation to the Divisional Branch President the:

   a. number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch President resides in South East Queensland;

   b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch President resides in Regional Queensland;

   c. number of Divisional Branch Council members elected from (vi)(c) is to be reduced by one if the Divisional Branch President resides in the Northern Territory;

2. in relation to the Divisional Branch Vice President the:

   a. number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Vice President resides in South East Queensland;

   b. number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Vice President resides in Regional Queensland;

   c. number of Divisional Branch Council members elected from (vi)(c) is to be reduced by one if the Divisional Branch Vice President resides in the Northern Territory;

3. in relation to the Divisional Branch Executive Member the:

   a. number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Executive Member resides in South East Queensland;

   b. number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Executive Member resides in Regional Queensland;

   c. number of Divisional Branch Council members elected from (vi)(c) is to be reduced by one if the Divisional Branch Executive Member resides in the Northern Territory;

The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, Divisional Branch President and the Divisional Branch Vice President shall, subject to this sub-rule, be elected by and from Members of the Queensland Northern Territory Divisional Branch, who are eligible to nominate and vote in accordance with these Rules.

The Divisional Branch Executive Member shall not be a full-time official or hold any other office and shall, subject to this sub-rule be elected by and from Members of the Queensland Northern Territory Divisional Branch, who are eligible to nominate and vote in accordance with these rules.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Northern Territory Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Northern Territory Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Assistant Secretary (General) shall be elected by and from all members of the Queensland Northern Territory Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.
Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Council may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis

For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council; and

(s) Torres Strait & Torres Strait Regional Council.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset;

(j) Sunshine Coast.

(C) Despite sub-rules (A) and (B) but without affecting the term of office of the Divisional Branch Council members of the QNTDB and the QBLDB elected to office at the 2012 Divisional Branch elections, on and from the date of certification of this sub-rule, the Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) two (2) Divisional Branch Senior Vice-Presidents;
(iii) two (2) Divisional Branch Vice-Presidents;
(iv) the Divisional Branch Secretary;
(v) the Divisional Branch Assistant Secretaries;
(vi) two (2) Divisional Branch Executive Members;
(vii) 12 members on the Divisional Branch Council who shall be elected by and from the two sub-groups as follows:

(a) eight (8) Divisional Branch Council members who shall be elected by, and from, the members who reside in South East Queensland;

(b) three (3) Divisional Branch Council Members who shall be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) one(1) Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory,

subject to the following:

1. in relation to the Divisional Branch President the:

   a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one if the Divisional Branch President resides in South East Queensland;

   b. that the number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one if the Divisional Branch President resides in Regional Queensland;

   c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one if the Divisional Branch President resides in the Northern Territory;

2. in relation to the Divisional Branch Senior Vice Presidents the:

   a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in South East Queensland;

   b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in Regional Queensland;

   c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in the Northern Territory;

3. in relation to the Divisional Branch Vice Presidents the:

   a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Vice President resides in South East Queensland;

   b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Vice President resides in Regional Queensland;

   c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one if a Divisional Branch Vice President resides in the Northern Territory;

4. in relation to the Divisional Branch Executive Members the:

   a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Executive Member resides in South East Queensland;

   b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a

Divisional Branch Executive Member resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one or more if a Divisional Branch Executive Member resides in the Northern Territory;

The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, the Divisional Branch President, the Divisional Branch Senior Vice-Presidents and the Divisional Branch Vice Presidents shall, subject to this sub-rule, be elected by and from Members of the QNTDB, who are eligible to nominate and vote in accordance with these Rules.

The Divisional Branch President will be a full-time office.

The Divisional Branch Senior Vice Presidents, the Divisional Branch Vice Presidents and the Divisional Branch Executive Members shall, subject to this sub-rule, be elected by and from members of the QNTDB, who are eligible to nominate and vote in accordance with these rules.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the QNTDB, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the QNTDB, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Assistant Secretaries (General) shall be elected by and from all members of the QNTDB, who are eligible to nominate and vote.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Council may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

Further provided that each member of the Divisional Branch Executive of the QBLDB elected to office in 2012 who is not otherwise a member of the QNTDB Divisional Branch Council shall become a member of the QNTDB Divisional Branch Council and be entitled to so remain, subject to these rules, for the balance of the 2012-2016 term of office.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in rule 38 of these rules, determine the number of:

(i) members of the Divisional Branch Council who reside in:

(a) South East Queensland;
(b) Regional Queensland; and
(c) Northern Territory

For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council; and

(s) Torres Strait & Torres Strait Regional Council.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset; and

(j) Sunshine Coast.

(D) In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of all those persons who were members of the Victorian Divisional Branch Council as at the date this rule took effect together with the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein.

(b) On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

c. The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the

South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members consisting of 3 members eligible pursuant to National Rule 2(E), 10 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) (a)(1) On and from 2 January, 2009 or the declaration of the election in 2008, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. all the Divisional Branch Assistant Secretaries; and

E. a member elected by, and from, the members of the Divisional Branch Management Committee, who are not full time officials or hold any other office other than the office of Divisional Branch Management Committee member, at its first meeting held following a quadrennial election.

(2) Despite sub-rule (1) above, for the quadrennial elections to be first held in 2012 and for all quadrennial elections thereafter, in the Queensland Northern Territory Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. the Divisional Branch Assistant Secretaries; and

E. the Divisional Branch Executive Member.

(3) On the commencement date in the QNTDB there shall be a Divisional Branch Executive which shall consist of the following:

A. Divisional Branch President;

B. two (2) Divisional Branch Senior Vice-Presidents;

C. Divisional Branch Vice-President (Construction Workers Divisional Branch);

D. Divisional Branch Secretary;

E. Divisional Branch Assistant Secretaries; and

F. two (2) Divisional Branch Executive Members.

(4) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Northern Territory Divisional Branch be taken so far as the context allows to be a reference to the Queensland Northern Territory Divisional Branch Executive established in accordance with this sub-rule.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of all those persons who were members of the Victorian Divisional Branch Management Committee as at the date this rule took effect namely the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, the Divisional Branch Assistant Secretary (FEDFA), the Divisional Branch Senior Vice-President (FEDFA), the 4 Divisional Branch Vice-Presidents, and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer, together with the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(i) herein.

On and from 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the

Divisional Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

(i) In the Victoria-Tasmania Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA). Provided however that on and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B - DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

(i) On and from the date of certification of this sub-rule and until 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, there shall be a Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch, (Tasmania Sub-Branch), the members of which shall consist of the following persons who were, immediately prior to this rule taking effect, members of the Tasmanian Divisional Branch Management Committee:-

Name	Office Held within Tasmanian Divisional Branch	Office Held within Victoria-Tasmania Divisional Branch
Bill White	Divisional Branch Secretary	Sub-Branch Secretary
Dale Cracknell	Divisional Branch President	Sub-Branch President
Michael Van de Kamp	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Michael Norris	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Mick Huxley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Roy Smedley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Paul Rainey	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Dickie Post	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member

(ii) On and from 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(iii) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch. Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only. Further provided that the Victoria-Tasmania Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Tasmanian Divisional Branch and the Victorian Divisional Branch immediately prior to the certification of this sub-rule.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided

however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In the New South Wales Divisional Branch the Victoria-Tasmania Divisional Branch and the QNTDB, the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

(l) Notwithstanding the provisions of Rule 47(b), in the QNTDB the Divisional Branch President shall, on and from commencement day, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary and shall be the second officer in seniority in the Divisional Branch after the Divisional Branch Secretary.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall

be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the designated Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. The designated Divisional Branch Assistant Secretary will be determined by the Divisional Branch Committee of Management. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the designated Divisional Branch Assistant Secretary.

The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch

President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

48B - DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D- DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E- DELETED

48F - DIVISIONAL BRANCH SENIOR VICE-PRESIDENTS/DIVISIONAL BRANCH VICE-PRESIDENTS (QUEENSLAND)

(i) This rule applies only in relation to the QNTDB and notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers.

(ii) In the QNTDB there shall be two Divisional Branch Senior Vice-Presidents one of whom shall, in the absence of the Divisional Branch President, preside at meetings of, or convened by, the Divisional Branch Council or Divisional Branch Executive. The Divisional Branch Executive will determine, for the purposes of this sub-rule, which of the Divisional Senior Vice-Presidents is to so act.

(iii) The Divisional Branch Senior Vice-Presidents in the QNTDB shall have such other duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

(iv) In the QNTDB there shall be two Divisional Branch Vice-Presidents one of whom being the Divisional Branch Vice-President of the QNTDB immediately prior to the commencement day, shall be designated Divisional Branch Vice-President (Construction Workers Divisional Branch).

(v) The Divisional Branch Vice-Presidents in the QNTDB shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.

11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(iA) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(iB) (a) The purpose of this rule is to provide for:

(i) the merger of the QNTDB with the QBLDB to constitute on commencement day, the QNTDB; and

(ii) the conduct of the first election for the offices of the QNTDB in the year 2016 ("the 2016 elections").

(b) This rule shall apply notwithstanding any other provision of these Divisional Rules.

(c) The provisions of this rule provide for the merger and shall take effect on, and from, either the 3rd January 2014 or the day after the General Manager of the Fair Work Commission certifies them, whichever is the later ("the commencement day").

(d) The QNTDB, and the members attached to it, shall comply with the provisions of this rule severally.

(e) On, and from, the commencement day, the QNTDB and the QBLDB shall be merged to form the Queensland-Northern Territory Divisional Branch.

(f) On commencement day the financial members of the QNTDB shall, despite rule 40(2)(ii)(C), be represented in the offices set out in column B by the persons holding the office set out in column A on the day immediately preceding the commencement day in respectively the QNTDB or the QBLDB:

A	B
Divisional Branch Secretary - QBLDB	Divisional Branch President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch President - QBLDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Assistant Secretary - QBLDB	Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Vice President - QBLDB	Divisional Branch Vice President and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Trustees - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Treasurer - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Guardian - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Executive Members - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch President - QNTDB	Divisional Branch Senior Vice President

	Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Vice-President - QNTDB	Divisional Branch Vice President (Construction Workers Divisional Branch) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Secretary - QNTDB	Divisional Branch Secretary Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Plasterers) - QNTDB	Divisional Branch Assistant Secretary (Plasterers) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Painters) - QNTDB	Divisional Branch Assistant Secretary (Painters) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (General) - QNTDB	Divisional Branch Assistant Secretary (General) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Executive Member - QNTDB	Divisional Branch Executive Member and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (South East Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Regional Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Northern Territory) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch

and such persons as referred to in Column A herein shall, subject to these Divisional Rules, continue to hold the office in the merged Divisional Branch as described in Column B herein, until their successor takes office following the 2016 elections.

(h) The officers of the Divisional Branch Council of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Management Committee, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(i) The officers of the Divisional Branch Executive of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Executive, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive and who are by operation of these rules, members of the QNTDB Divisional Branch Executive on and from commencement day, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting.

(j) A member of the QNTDB, who becomes a member on, or following, the commencement day is liable to pay subscriptions and fees in accordance with these Divisional Rules.

(k) There shall be an inaugural meeting of the Divisional Branch Council of the QNTDB to be held within two (2) months of the commencement day.

(l) There shall be an inaugural meeting of the Divisional Branch Executive of the QNTDB to be held within one (1) month of the commencement day.

(m) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QBLDB contiguous with periods of financial membership with the QNTDB.

(n) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QCWDB contiguous with periods of financial membership with the QNTDB.

(o) At meetings of the Divisional Branch Council and Divisional Branch Executive of the QNTDB, quorum shall be as provided by rules 41(a) and 42(b) respectively provided however that for the purposes of quorum at least one (1) member must be a person who was a member of the QBLDB on the day immediately preceding amalgamation day and at least one (1) member must be a person who was a member of the QNTDB on the day immediately preceding amalgamation day.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may

be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

[105N-BWIU: Incorporates alterations of 8 February 2016 in matter R2015/260]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 82 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

“commencement day” means the date provided by rule 69(iB)(c)

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"QBLDB" means the Queensland Builders Labourers Divisional Branch.

"QNTDB" means the Queensland Northern Territory Divisional Branch.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional

Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

(viii) Any person who, at the date of certification of this sub-rule, is a member of the Victorian Divisional Branch or the Tasmanian Divisional Branch shall be and become a member of the Victoria-Tasmania Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Tasmanian Divisional Branch or the Victorian Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania Divisional Branch. Further provided that the period of membership of the Victoria-Tasmania Divisional Branch shall be the same as that held by such members within the Victorian Divisional Branch or Tasmanian Divisional Branch, as the case may be.

(ix) Any person who, at the date of certification of this sub-rule, is a member of the QBLDB shall become a member of the QNTDB and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the QBLDB as at the date this rule takes effect shall become an amount owing to the QNTDB. Further provided that the period of membership of the QNTDB shall be the same as that held by such members within the QBLDB.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate's proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-

rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viiA) Those members of the QNTDB and the QBLDB who held office as Divisional Conference Delegates on the day preceding the commencement day shall continue in office and be Divisional Conference Delegates for the QNTDB.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

   Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

   Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Northern Territory Divisional Branch.

   The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

   Further, the Victoria-Tasmania Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

   The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

   The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

   Further, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Senior Vice-President (Queensland Northern Territory Divisional Branch) and three (3) Divisional Vice-Presidents one from each of the Victoria-Tasmania, New South Wales and Queensland Builders Labourers Divisional Branches.

   The Divisional Senior Vice-President (Queensland Northern Territory Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Queensland Northern Territory Divisional Branch. Each of the three Divisional Vice-Presidents shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches.

   The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in

accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

The person holding the office of Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) immediately prior to the date of certification of this paragraph of sub-rule 1, shall, until 1 January 2013 only, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

Those members of the QNTDB and QBLDB who held office on the Divisional Executive on the day preceding the commencement day shall continue in office and be Divisional Executive members for the term of office ending in 2017.

1.A Notwithstanding the provisions of sub-rule 1 herein, but without affecting the term of office of persons holding office as Divisional Executive members at the date of certification of this sub-rule, for the purpose of the quadrennial Divisional elections to be held in 2013 and thereafter, the Divisional Executive shall be composed of one (1) Divisional President, one (1) Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, provided that in addition to the Divisional Executive members referred to in the immediately preceding paragraph, there shall be an additional Divisional Executive member for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch. For the purpose of this sub-rule the number of financial members shall be the number of such members as at 31 March in the year of the election. Such additional Divisional Executive members shall, notwithstanding sub-rule 2 herein, be nominated and elected by and from the Divisional Conference delegates from the relevant Divisional Branches to which those offices relate, such election to be conducted at the same time as the election of the Divisional Executive members referred to in the preceding paragraph.

Further provided that immediately following the declaration of the result of the election/ballot in accordance with sub-rules 7 or 11 herein, as the case may be, the Divisional Returning Officer shall call for nominations from the newly elected Divisional Executive members, other than the Divisional President, Divisional Secretary and Divisional Assistant Secretaries, for the offices of Divisional Senior Vice-President and Divisional Vice-President, and if necessary, conduct a ballot to determine those positions.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the

union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch)

Provided however that the operation of the Victoria-Tasmania Divisional Branch shall be reviewed by the Divisional Executive with a view to re-establishing separate Divisional Branches in the States of Victoria and Tasmania where, in the opinion of the Divisional Executive, the establishment of such separate Divisional Branches is in the interests of the members in those states and the Division as a whole. Such a review shall be completed within three (3) years of the declaration of the ballot for the Divisional Branch elections in 2012.

(ii) Notwithstanding any other rule to the contrary, the Divisional Branch President and the Divisional Branch Secretary of the former Tasmanian Divisional Branch shall upon the establishment of the Victoria-Tasmania Divisional Branch and until the declaration of the Divisional Branch elections in 2012, be and remain delegates to the Divisional Conference of the CFMEU, Construction and General Division.

(c) In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the

members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An

amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Northern Territory Divisional Branch.

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria or Tasmania shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;

(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Northern Territory Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Northern Territory Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Further provided that in the case of the Queensland Northern Territory Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such auditor shall also produce and certify a yearly balance sheet.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and

as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) Without affecting the term of office of persons holding office as Divisional Branch Officers in the QNTDB and the QBLDB immediately prior to the date of certification of this sub-rule, in the QNTDB the officers of the Divisional Branch shall, on and from 3 January 2014 and as a result of the merger of the QNTDB and the QBLDB, consist of the Divisional Branch President (which position shall be full-time), two (2) Divisional Branch Senior Vice-Presidents (which positions shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and two Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, 4 Divisional Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, a Divisional Branch Assistant Secretary, a Divisional Branch Senior Vice-President (FEDFA), a Divisional Branch Assistant Secretary (FEDFA), (both of which shall be paid, full-time positions), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant

Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary Divisional Branch Secretary/Treasurer Divisional Branch Assistant Secretary Divisional Branch President Divisional Branch Senior Vice-President and Vice President Divisional Branch Delegate to Divisional Conference	) 3 years' continuous financial membership
Divisional Branch Management Committee Member District Secretary/Organiser Organiser Sub-Branch Secretary, President, Or Management Committee Member Divisional Branch Trustee (South Australia and Queensland Builders Labourers' Divisional Branches)	) 1 year's continuous financial membership
Divisional Branch Councillor, representatives	) financial membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Northern Territory Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

Provided however, and without affecting the term of the office of persons holding office as Divisional Branch Council members immediately prior to the date of certification of this sub-rule, the Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (d) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January,

2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	1235 - 1890 Inclusive 2000 - 2013 Inclusive 2014 - 2077 Inclusive 2079 - 2098 Inclusive 2099 - 2128 Inclusive 2129 - 2148 Inclusive 2150 - 2158 Inclusive 2160 - 2172 Inclusive 2174 2175 2176 - 2177 2190 - 2200 Inclusive 2203 - 2234 Inclusive 2557 - 2560 Inclusive 2563 - 2573 Inclusive 2745 2747 - 2768 Inclusive 2770 2773 - 2786 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2278 2280 - 2287 Inclusive 2289 - 2296 Inclusive

	2297 - 2307 Inclusive 2309 - 2312 Inclusive 2314 - 2317 2319 - 2323 Inclusive 2324 - 2327 Inclusive 2330 - 2331 2334 – 2335 2420 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 - 2527 Inclusive 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2537 2539 2540 - 2541 2574 - 2576 Inclusive 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(d) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.
Camden Zone:	3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.
Country Zone:	3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch.

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

(ii) (A) For the quadrennial elections to be held in 2012, and for all quadrennial elections thereafter, the Divisional Branch Council of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;

(ii) the Divisional Branch Vice-President

(iii) the Divisional Branch Secretary;
(iv) the Divisional Branch Assistant Secretaries;
(v) the Divisional Branch Executive Member;
(vi) 12 members on the Divisional Branch Council who shall be elected by and from the two sub-groups as follows:

(a) 8 Divisional Branch Council members who will be elected by, and from, the members who reside in South East Queensland; and

(b) 4 Divisional Branch Council Members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

subject to the following:

1. in relation to the Divisional Branch President:

a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch President resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch President resides in Regional Queensland;

2. in relation to the Divisional Branch Vice President:

a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Vice President resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Vice President resides in Regional Queensland;

3. in relation to the Divisional Branch Executive Member:

a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Executive Member resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Executive Member resides in Regional Queensland;

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Vice President will, subject to this sub-rule, be elected by and from Members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote in accordance with these Rules.

The Divisional Branch Executive Member will not be a full-time official or hold any other office and will, subject to this sub-rule be elected by and from Members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote in accordance with these rules.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Assistant Secretary (General) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Council will, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Council will, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Council may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis

For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council; and

(s) Torres Strait & Torres Strait Regional Council.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset;

(j) Sunshine Coast.

(B) Despite sub-rule (A) but without affecting the term of office of the Divisional Branch Council members elected to office at the 2012 Divisional Branch elections, on and from the date of certification of this sub-rule, and for all quadrennial elections thereafter, the Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Vice-President
(iii) the Divisional Branch Secretary;
(iv) the Divisional Branch Assistant Secretaries;
(v) the Divisional Branch Executive Member;
(vi) 12 members on the Divisional Branch Council who shall be elected by and from the two sub-groups as follows:

(a) 8 Divisional Branch Council members who will be elected by, and from, the members who reside in South East Queensland;

(b) 3 Divisional Branch Council Members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least 1

of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) 1 Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory, subject to the following:

1. in relation to the Divisional Branch President the:

   a. number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch President resides in South East Queensland;

   b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch President resides in Regional Queensland;

   c. number of Divisional Branch Council members elected from (vi)(c) is to be reduced by one if the Divisional Branch President resides in the Northern Territory;

2. in relation to the Divisional Branch Vice President the:

   a. number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Vice President resides in South East Queensland;

   b. number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Vice President resides in Regional Queensland;

   c. number of Divisional Branch Council members elected from (vi)(c) is to be reduced by one if the Divisional Branch Vice President resides in the Northern Territory;

3. in relation to the Divisional Branch Executive Member the:

   a. number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Executive Member resides in South East Queensland;

   b. number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Executive Member resides in Regional Queensland;

   c. number of Divisional Branch Council members elected from (vi)(c) is to be reduced by one if the Divisional Branch Executive Member resides in the Northern Territory;

The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, Divisional Branch President and the Divisional Branch Vice President shall, subject to this sub-rule, be elected by and from Members of the Queensland Northern Territory Divisional Branch, who are eligible to nominate and vote in accordance with these Rules.

The Divisional Branch Executive Member shall not be a full-time official or hold any other office and shall, subject to this sub-rule be elected by and from Members of the Queensland Northern Territory Divisional Branch, who are eligible to nominate and vote in accordance with these rules.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Northern Territory Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Northern Territory Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Assistant Secretary (General) shall be elected by and from all members of the Queensland Northern Territory Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Council may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis

For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council; and

(s) Torres Strait & Torres Strait Regional Council.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset;

(j) Sunshine Coast.

(C) Despite sub-rules (A) and (B) but without affecting the term of office of the Divisional Branch Council members of the QNTDB and the QBLDB elected to office at the 2012 Divisional Branch elections, on and from the date of certification of this sub-rule, the Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) two (2) Divisional Branch Senior Vice-Presidents;
(iii) two (2) Divisional Branch Vice-Presidents;
(iv) the Divisional Branch Secretary;
(v) the Divisional Branch Assistant Secretaries;
(vi) two (2) Divisional Branch Executive Members;
(vii) 12 members on the Divisional Branch Council who shall be elected by and from the two sub-groups as follows:

(a) eight (8) Divisional Branch Council members who shall be elected by, and from, the members who reside in South East Queensland;

(b) three (3) Divisional Branch Council Members who shall be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) one(1) Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory, subject to the following:

1. in relation to the Divisional Branch President the:

   a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one if the Divisional Branch President resides in South East Queensland;

   b. that the number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one if the Divisional Branch President resides in Regional Queensland;

   c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one if the Divisional Branch President resides in the Northern Territory;

2. in relation to the Divisional Branch Senior Vice Presidents the:

   a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in South East Queensland;

   b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in Regional Queensland;

   c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in the Northern Territory;

3. in relation to the Divisional Branch Vice Presidents the:

   a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Vice President resides in South East Queensland;

   b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Vice President resides in Regional Queensland;

   c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one if a Divisional Branch Vice President resides in the Northern Territory;

4. in relation to the Divisional Branch Executive Members the:

   a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Executive Member resides in South East Queensland;

   b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Executive Member resides in Regional Queensland;

   c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one or more if a Divisional Branch Executive Member resides in the Northern Territory;

The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, the Divisional Branch President, the Divisional Branch Senior Vice-Presidents and the Divisional Branch Vice Presidents shall, subject to this sub-rule, be elected by and from Members of the QNTDB, who are eligible to nominate and vote in accordance with these Rules.

The Divisional Branch President will be a full-time office.

The Divisional Branch Senior Vice Presidents, the Divisional Branch Vice Presidents and the Divisional Branch Executive Members shall, subject to this sub-rule, be elected by and from members of the QNTDB, who are eligible to nominate and vote in accordance with these rules.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the QNTDB, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the QNTDB, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Assistant Secretaries (General) shall be elected by and from all members of the QNTDB, who are eligible to nominate and vote.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Council may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

Further provided that each member of the Divisional Branch Executive of the QBLDB elected to office in 2012 who is not otherwise a member of the QNTDB Divisional Branch Council shall become a member of the QNTDB Divisional Branch Council and be entitled to so remain, subject to these rules, for the balance of the 2012-2016 term of office.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in rule 38 of these rules, determine the number of:

(i) members of the Divisional Branch Council who reside in:

(a) South East Queensland;
(b) Regional Queensland; and
(c) Northern Territory

For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council; and

(s) Torres Strait & Torres Strait Regional Council.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset; and

(j) Sunshine Coast.

(D) In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of all those persons who were members of the Victorian Divisional Branch Council as at the date this rule took effect together with the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein.

(b) On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates

Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

c. The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members consisting of 3 members eligible pursuant to National Rule 2(E), 10 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) (a)(1) On and from 2 January, 2009 or the declaration of the election in 2008, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. all the Divisional Branch Assistant Secretaries; and

E. a member elected by, and from, the members of the Divisional Branch Management Committee, who are not full time officials or hold any other office other than the office of Divisional Branch Management Committee member, at its first meeting held following a quadrennial election.

(2) Despite sub-rule (1) above, for the quadrennial elections to be first held in 2012 and for all quadrennial elections thereafter, in the Queensland Northern Territory

Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. the Divisional Branch Assistant Secretaries; and

E. the Divisional Branch Executive Member.

(3) On the commencement date in the QNTDB there shall be a Divisional Branch Executive which shall consist of the following:

A. Divisional Branch President;

B. two (2) Divisional Branch Senior Vice-Presidents;

C. Divisional Branch Vice-President (Construction Workers Divisional Branch);

D. Divisional Branch Secretary;

E. Divisional Branch Assistant Secretaries; and

F. two (2) Divisional Branch Executive Members.

(4) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Northern Territory Divisional Branch be taken so far as the context allows to be a reference to the Queensland Northern Territory Divisional Branch Executive established in accordance with this sub-rule.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of all those persons who were members of the Victorian Divisional Branch Management Committee as at the date this rule took effect namely the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, the

Divisional Branch Assistant Secretary (FEDFA), the Divisional Branch Senior Vice-President (FEDFA), the 4 Divisional Branch Vice-Presidents, and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer, together with the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(i) herein.

On and from 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

(i) In the Victoria-Tasmania Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA). Provided however that on and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B - DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

(i) On and from the date of certification of this sub-rule and until 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, there shall be a Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch, (Tasmania Sub-Branch), the members of which shall consist of the following persons who were, immediately prior to this rule taking effect, members of the Tasmanian Divisional Branch Management Committee:-

Name	Office Held within Tasmanian Divisional Branch	Office Held within Victoria-Tasmania Divisional Branch
Bill White	Divisional Branch Secretary	Sub-Branch Secretary
Dale Cracknell	Divisional Branch President	Sub-Branch President
Michael Van de Kamp	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Michael Norris	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Mick Huxley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Roy Smedley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Paul Rainey	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Dickie Post	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member

(ii) On and from 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(iii) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch. Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only. Further provided that the Victoria-Tasmania Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Tasmanian Divisional Branch and the Victorian Divisional Branch immediately prior to the certification of this sub-rule.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In the New South Wales Divisional Branch the Victoria-Tasmania Divisional Branch and the QNTDB, the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so

required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

(l) Notwithstanding the provisions of Rule 47(b), in the QNTDB the Divisional Branch President shall, on and from commencement day, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary and shall be the second officer in seniority in the Divisional Branch after the Divisional Branch Secretary.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the Divisional Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the Divisional Branch Assistant Secretary.

The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

48B - DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of

these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D- DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E- DELETED

48F - DIVISIONAL BRANCH SENIOR VICE-PRESIDENTS/DIVISIONAL BRANCH VICE-PRESIDENTS (QUEENSLAND)

(i) This rule applies only in relation to the QNTDB and notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers.

(ii) In the QNTDB there shall be two Divisional Branch Senior Vice-Presidents one of whom shall, in the absence of the Divisional Branch President, preside at meetings of, or convened by, the Divisional Branch Council or Divisional Branch Executive. The Divisional Branch Executive will determine, for the purposes of this sub-rule, which of the Divisional Senior Vice-Presidents is to so act.

(iii) The Divisional Branch Senior Vice-Presidents in the QNTDB shall have such other duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

(iv) In the QNTDB there shall be two Divisional Branch Vice-Presidents one of whom being the Divisional Branch Vice-President of the QNTDB immediately prior to the commencement day, shall be designated Divisional Branch Vice-President (Construction Workers Divisional Branch).

(v) The Divisional Branch Vice-Presidents in the QNTDB shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(iA) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(iB) (a) The purpose of this rule is to provide for:

(i) the merger of the QNTDB with the QBLDB to constitute on commencement day, the QNTDB; and

(ii) the conduct of the first election for the offices of the QNTDB in the year 2016 ("the 2016 elections").

(b) This rule shall apply notwithstanding any other provision of these Divisional Rules.

(c) The provisions of this rule provide for the merger and shall take effect on, and from, either the 3rd January 2014 or the day after the General Manager of the Fair Work Commission certifies them, whichever is the later ("the commencement day").

(d) The QNTDB, and the members attached to it, shall comply with the provisions of this rule severally.

(e) On, and from, the commencement day, the QNTDB and the QBLDB shall be merged to form the Queensland-Northern Territory Divisional Branch.

(f) On commencement day the financial members of the QNTDB shall, despite rule 40(2)(ii)(C), be represented in the offices set out in column B by the persons holding the office set out in column A on the day immediately preceding the commencement day in respectively the QNTDB or the QBLDB:

A	B
Divisional Branch Secretary - QBLDB	Divisional Branch President Divisional Branch Council Member and

	Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch President - QBLDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Assistant Secretary - QBLDB	Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Vice President - QBLDB	Divisional Branch Vice President and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Trustees - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Treasurer - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Guardian - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Executive Members - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch President - QNTDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Vice-President - QNTDB	Divisional Branch Vice President (Construction Workers Divisional Branch) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Secretary - QNTDB	Divisional Branch Secretary Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Plasterers) - QNTDB	Divisional Branch Assistant Secretary (Plasterers) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Painters) - QNTDB	Divisional Branch Assistant Secretary (Painters) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch

Divisional Branch Assistant Secretary (General) - QNTDB	Divisional Branch Assistant Secretary (General) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Executive Member - QNTDB	Divisional Branch Executive Member and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (South East Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Regional Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Northern Territory) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch

and such persons as referred to in Column A herein shall, subject to these Divisional Rules, continue to hold the office in the merged Divisional Branch as described in Column B herein, until their successor takes office following the 2016 elections.

(h) The officers of the Divisional Branch Council of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Management Committee, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(i) The officers of the Divisional Branch Executive of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Executive, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive and who are by operation of these rules, members of the QNTDB Divisional Branch Executive on and from commencement day, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting.

(j) A member of the QNTDB, who becomes a member on, or following, the commencement day is liable to pay subscriptions and fees in accordance with these Divisional Rules.

(k) There shall be an inaugural meeting of the Divisional Branch Council of the QNTDB to be held within two (2) months of the commencement day.

(l) There shall be an inaugural meeting of the Divisional Branch Executive of the QNTDB to be held within one (1) month of the commencement day.

(m) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QBLDB contiguous with periods of financial membership with the QNTDB.

(n) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QCWDB contiguous with periods of financial membership with the QNTDB.

(o) At meetings of the Divisional Branch Council and Divisional Branch Executive of the QNTDB, quorum shall be as provided by rules 41(a) and 42(b) respectively provided however that for the purposes of quorum at least one (1) member must be a person who was a member of the QBLDB on the day immediately preceding amalgamation day and at least one (1) member must be a person who was a member of the QNTDB on the day immediately preceding amalgamation day.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

[105N-BWIU: Incorporates alterations of 5 April 2016 in matter R2016/29]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 83 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

“commencement day” means the date provided by rule 69(iB)(c)

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"QBLDB" means the Queensland Builders Labourers Divisional Branch.

"QNTDB" means the Queensland Northern Territory Divisional Branch.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional

Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

(viii) Any person who, at the date of certification of this sub-rule, is a member of the Victorian Divisional Branch or the Tasmanian Divisional Branch shall be and become a member of the Victoria-Tasmania Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Tasmanian Divisional Branch or the Victorian Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania Divisional Branch. Further provided that the period of membership of the Victoria-Tasmania Divisional Branch shall be the same as that held by such members within the Victorian Divisional Branch or Tasmanian Divisional Branch, as the case may be.

(ix) Any person who, at the date of certification of this sub-rule, is a member of the QBLDB shall become a member of the QNTDB and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the QBLDB as at the date this rule takes effect shall become an amount owing to the QNTDB. Further provided that the period of membership of the QNTDB shall be the same as that held by such members within the QBLDB.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate's proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-

rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viiA) Those members of the QNTDB and the QBLDB who held office as Divisional Conference Delegates on the day preceding the commencement day shall continue in office and be Divisional Conference Delegates for the QNTDB.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

   Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

   Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Northern Territory Divisional Branch.

   The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

   Further, the Victoria-Tasmania Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

   The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

   The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

   Further, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Senior Vice-President (Queensland Northern Territory Divisional Branch) and three (3) Divisional Vice-Presidents one from each of the Victoria-Tasmania, New South Wales and Queensland Builders Labourers Divisional Branches.

   The Divisional Senior Vice-President (Queensland Northern Territory Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Queensland Northern Territory Divisional Branch. Each of the three Divisional Vice-Presidents shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches.

   The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in

accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

The person holding the office of Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) immediately prior to the date of certification of this paragraph of sub-rule 1, shall, until 1 January 2013 only, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

Those members of the QNTDB and QBLDB who held office on the Divisional Executive on the day preceding the commencement day shall continue in office and be Divisional Executive members for the term of office ending in 2017.

1.A Notwithstanding the provisions of sub-rule 1 herein, but without affecting the term of office of persons holding office as Divisional Executive members at the date of certification of this sub-rule, for the purpose of the quadrennial Divisional elections to be held in 2013 and thereafter, the Divisional Executive shall be composed of one (1) Divisional President, one (1) Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, provided that in addition to the Divisional Executive members referred to in the immediately preceding paragraph, there shall be an additional Divisional Executive member for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch. For the purpose of this sub-rule the number of financial members shall be the number of such members as at 31 March in the year of the election. Such additional Divisional Executive members shall, notwithstanding sub-rule 2 herein, be nominated and elected by and from the Divisional Conference delegates from the relevant Divisional Branches to which those offices relate, such election to be conducted at the same time as the election of the Divisional Executive members referred to in the preceding paragraph.

Further provided that immediately following the declaration of the result of the election/ballot in accordance with sub-rules 7 or 11 herein, as the case may be, the Divisional Returning Officer shall call for nominations from the newly elected Divisional Executive members, other than the Divisional President, Divisional Secretary and Divisional Assistant Secretaries, for the offices of Divisional Senior Vice-President and Divisional Vice-President, and if necessary, conduct a ballot to determine those positions.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the

union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.
Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch)

Provided however that the operation of the Victoria-Tasmania Divisional Branch shall be reviewed by the Divisional Executive with a view to re-establishing separate Divisional Branches in the States of Victoria and Tasmania where, in the opinion of the Divisional Executive, the establishment of such separate Divisional Branches is in the interests of the members in those states and the Division as a whole. Such a review shall be completed within three (3) years of the declaration of the ballot for the Divisional Branch elections in 2012.

(ii) Notwithstanding any other rule to the contrary, the Divisional Branch President and the Divisional Branch Secretary of the former Tasmanian Divisional Branch shall upon the establishment of the Victoria-Tasmania Divisional Branch and until the declaration of the Divisional Branch elections in 2012, be and remain delegates to the Divisional Conference of the CFMEU, Construction and General Division.

(c) In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the

members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An

amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Northern Territory Divisional Branch.

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria or Tasmania shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;

(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependant upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Northern Territory Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Northern Territory Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Further provided that in the case of the Queensland Northern Territory Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such auditor shall also produce and certify a yearly balance sheet.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and

as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) Without affecting the term of office of persons holding office as Divisional Branch Officers in the QNTDB and the QBLDB immediately prior to the date of certification of this sub-rule, in the QNTDB the officers of the Divisional Branch shall, on and from 3 January 2014 and as a result of the merger of the QNTDB and the QBLDB, consist of the Divisional Branch President (which position shall be full-time), two (2) Divisional Branch Senior Vice-Presidents (which positions shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and two Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, 4 Divisional Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, a Divisional Branch Assistant Secretary, a Divisional Branch Senior Vice-President (FEDFA), a Divisional Branch Assistant Secretary (FEDFA), (both of which shall be paid, full-time positions), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant

Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary Divisional Branch Secretary/Treasurer Divisional Branch Assistant Secretary Divisional Branch President Divisional Branch Senior Vice-President and Vice President Divisional Branch Delegate to Divisional Conference	) 3 years' continuous financial membership
Divisional Branch Management Committee Member District Secretary/Organiser Organiser Sub-Branch Secretary, President, Or Management Committee Member Divisional Branch Trustee (South Australia and Queensland Builders Labourers' Divisional Branches)	) 1 year's continuous financial membership
Divisional Branch Councillor, representatives	) financial membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Northern Territory Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

Provided however, and without affecting the term of the office of persons holding office as Divisional Branch Council members immediately prior to the date of certification of this sub-rule, the Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (d) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January,

2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	1235 - 1890 Inclusive
	2000 - 2013 Inclusive
	2014 - 2077 Inclusive
	2079 - 2098 Inclusive
	2099 - 2128 Inclusive
	2129 - 2148 Inclusive
	2150 - 2158 Inclusive
	2160 - 2172 Inclusive
	2174
	2175
	2176 - 2177
	2190 - 2200 Inclusive
	2203 - 2234 Inclusive
	2557 - 2560 Inclusive
	2563 - 2573 Inclusive
	2745
	2747 - 2768 Inclusive
	2770
	2773 - 2786 Inclusive
Newcastle	2159
	2250 - 2251
	2253 - 2265 Inclusive
	2267
	2278
	2280 - 2287 Inclusive
	2289 - 2296 Inclusive

	2297 - 2307 Inclusive 2309 - 2312 Inclusive 2314 - 2317 2319 - 2323 Inclusive 2324 - 2327 Inclusive 2330 - 2331 2334 – 2335 2420 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 - 2527 Inclusive 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2537 2539 2540 - 2541 2574 - 2576 Inclusive 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(d) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.
Camden Zone:	3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.
Country Zone:	3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch.

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

(ii) (A) For the quadrennial elections to be held in 2012, and for all quadrennial elections thereafter, the Divisional Branch Council of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;

(ii) the Divisional Branch Vice-President

(iii) the Divisional Branch Secretary;
(iv) the Divisional Branch Assistant Secretaries;
(v) the Divisional Branch Executive Member;
(vi) 12 members on the Divisional Branch Council who shall be elected by and from the two sub-groups as follows:

(a) 8 Divisional Branch Council members who will be elected by, and from, the members who reside in South East Queensland; and

(b) 4 Divisional Branch Council Members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

subject to the following:

1. in relation to the Divisional Branch President:

a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch President resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch President resides in Regional Queensland;

2. in relation to the Divisional Branch Vice President:

a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Vice President resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Vice President resides in Regional Queensland;

3. in relation to the Divisional Branch Executive Member:

a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Executive Member resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Executive Member resides in Regional Queensland;

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Vice President will, subject to this sub-rule, be elected by and from Members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote in accordance with these Rules.

The Divisional Branch Executive Member will not be a full-time official or hold any other office and will, subject to this sub-rule be elected by and from Members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote in accordance with these rules.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Assistant Secretary (General) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Council will, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Council will, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Council may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis

For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council; and

(s) Torres Strait & Torres Strait Regional Council.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset;

(j) Sunshine Coast.

(B) Despite sub-rule (A) but without affecting the term of office of the Divisional Branch Council members elected to office at the 2012 Divisional Branch elections, on and from the date of certification of this sub-rule, and for all quadrennial elections thereafter, the Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Vice-President
(iii) the Divisional Branch Secretary;
(iv) the Divisional Branch Assistant Secretaries;
(v) the Divisional Branch Executive Member;
(vi) 12 members on the Divisional Branch Council who shall be elected by and from the two sub-groups as follows:

(a) 8 Divisional Branch Council members who will be elected by, and from, the members who reside in South East Queensland;

(b) 3 Divisional Branch Council Members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least 1

of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) 1 Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory, subject to the following:

1. in relation to the Divisional Branch President the:

   a. number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch President resides in South East Queensland;

   b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch President resides in Regional Queensland;

   c. number of Divisional Branch Council members elected from (vi)(c) is to be reduced by one if the Divisional Branch President resides in the Northern Territory;

2. in relation to the Divisional Branch Vice President the:

   a. number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Vice President resides in South East Queensland;

   b. number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Vice President resides in Regional Queensland;

   c. number of Divisional Branch Council members elected from (vi)(c) is to be reduced by one if the Divisional Branch Vice President resides in the Northern Territory;

3. in relation to the Divisional Branch Executive Member the:

   a. number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Executive Member resides in South East Queensland;

   b. number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Executive Member resides in Regional Queensland;

   c. number of Divisional Branch Council members elected from (vi)(c) is to be reduced by one if the Divisional Branch Executive Member resides in the Northern Territory;

The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, Divisional Branch President and the Divisional Branch Vice President shall, subject to this sub-rule, be elected by and from Members of the Queensland Northern Territory Divisional Branch, who are eligible to nominate and vote in accordance with these Rules.

The Divisional Branch Executive Member shall not be a full-time official or hold any other office and shall, subject to this sub-rule be elected by and from Members of the Queensland Northern Territory Divisional Branch, who are eligible to nominate and vote in accordance with these rules.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Northern Territory Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Northern Territory Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Assistant Secretary (General) shall be elected by and from all members of the Queensland Northern Territory Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Council may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis

For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council; and

(s) Torres Strait & Torres Strait Regional Council.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset;

(j) Sunshine Coast.

(C) Despite sub-rules (A) and (B) but without affecting the term of office of the Divisional Branch Council members of the QNTDB and the QBLDB elected to office at the 2012 Divisional Branch elections, on and from the date of certification of this sub-rule, the Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) two (2) Divisional Branch Senior Vice-Presidents;
(iii) two (2) Divisional Branch Vice-Presidents;
(iv) the Divisional Branch Secretary;
(v) the Divisional Branch Assistant Secretaries;
(vi) two (2) Divisional Branch Executive Members;
(vii) 12 members on the Divisional Branch Council who shall be elected by and from the two sub-groups as follows:

(a) eight (8) Divisional Branch Council members who shall be elected by, and from, the members who reside in South East Queensland;

(b) three (3) Divisional Branch Council Members who shall be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) one(1) Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory, subject to the following:

1. in relation to the Divisional Branch President the:

   a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one if the Divisional Branch President resides in South East Queensland;

   b. that the number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one if the Divisional Branch President resides in Regional Queensland;

   c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one if the Divisional Branch President resides in the Northern Territory;

2. in relation to the Divisional Branch Senior Vice Presidents the:

   a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in South East Queensland;

   b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in Regional Queensland;

   c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in the Northern Territory;

3. in relation to the Divisional Branch Vice Presidents the:

   a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Vice President resides in South East Queensland;

   b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Vice President resides in Regional Queensland;

   c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one if a Divisional Branch Vice President resides in the Northern Territory;

4. in relation to the Divisional Branch Executive Members the:

   a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Executive Member resides in South East Queensland;

   b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Executive Member resides in Regional Queensland;

   c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one or more if a Divisional Branch Executive Member resides in the Northern Territory;

The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, the Divisional Branch President, the Divisional Branch Senior Vice-Presidents and the Divisional Branch Vice Presidents shall, subject to this sub-rule, be elected by and from Members of the QNTDB, who are eligible to nominate and vote in accordance with these Rules.

The Divisional Branch President will be a full-time office.

The Divisional Branch Senior Vice Presidents, the Divisional Branch Vice Presidents and the Divisional Branch Executive Members shall, subject to this sub-rule, be elected by and from members of the QNTDB, who are eligible to nominate and vote in accordance with these rules.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the QNTDB, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the QNTDB, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Assistant Secretaries (General) shall be elected by and from all members of the QNTDB, who are eligible to nominate and vote.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Council may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

Further provided that each member of the Divisional Branch Executive of the QBLDB elected to office in 2012 who is not otherwise a member of the QNTDB Divisional Branch Council shall become a member of the QNTDB Divisional Branch Council and be entitled to so remain, subject to these rules, for the balance of the 2012-2016 term of office.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in rule 38 of these rules, determine the number of:

(i) members of the Divisional Branch Council who reside in:

(a) South East Queensland;
(b) Regional Queensland; and
(c) Northern Territory

For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council; and

(s) Torres Strait & Torres Strait Regional Council.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset; and

(j) Sunshine Coast.

(D) In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of all those persons who were members of the Victorian Divisional Branch Council as at the date this rule took effect together with the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein.

(b) On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates

Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

c. The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members consisting of 3 members eligible pursuant to National Rule 2(E), 10 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) (a)(1) On and from 2 January, 2009 or the declaration of the election in 2008, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. all the Divisional Branch Assistant Secretaries; and

E. a member elected by, and from, the members of the Divisional Branch Management Committee, who are not full time officials or hold any other office other than the office of Divisional Branch Management Committee member, at its first meeting held following a quadrennial election.

(2) Despite sub-rule (1) above, for the quadrennial elections to be first held in 2012 and for all quadrennial elections thereafter, in the Queensland Northern Territory

Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. the Divisional Branch Assistant Secretaries; and

E. the Divisional Branch Executive Member.

(3) On the commencement date in the QNTDB there shall be a Divisional Branch Executive which shall consist of the following:

A. Divisional Branch President;

B. two (2) Divisional Branch Senior Vice-Presidents;

C. Divisional Branch Vice-President (Construction Workers Divisional Branch);

D. Divisional Branch Secretary;

E. Divisional Branch Assistant Secretaries; and

F. two (2) Divisional Branch Executive Members.

(4) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Northern Territory Divisional Branch be taken so far as the context allows to be a reference to the Queensland Northern Territory Divisional Branch Executive established in accordance with this sub-rule.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of all those persons who were members of the Victorian Divisional Branch Management Committee as at the date this rule took effect namely the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, the

Divisional Branch Assistant Secretary (FEDFA), the Divisional Branch Senior Vice-President (FEDFA), the 4 Divisional Branch Vice-Presidents, and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer, together with the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(i) herein.

On and from 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

(i) In the Victoria-Tasmania Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA). Provided however that on and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B - DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

(i) On and from the date of certification of this sub-rule and until 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, there shall be a Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch, (Tasmania Sub-Branch), the members of which shall consist of the following persons who were, immediately prior to this rule taking effect, members of the Tasmanian Divisional Branch Management Committee:-

Name	Office Held within Tasmanian Divisional Branch	Office Held within Victoria-Tasmania Divisional Branch
Bill White	Divisional Branch Secretary	Sub-Branch Secretary
Dale Cracknell	Divisional Branch President	Sub-Branch President
Michael Van de Kamp	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Michael Norris	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Mick Huxley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Roy Smedley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Paul Rainey	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Dickie Post	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member

(ii) On and from 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(iii) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch. Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only. Further provided that the Victoria-Tasmania Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Tasmanian Divisional Branch and the Victorian Divisional Branch immediately prior to the certification of this sub-rule.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In the New South Wales Divisional Branch the Victoria-Tasmania Divisional Branch and the QNTDB, the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so

required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the Divisional Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the Divisional Branch Assistant Secretary.

The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

48B - DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of

these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D- DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E- DELETED

48F - DIVISIONAL BRANCH SENIOR VICE-PRESIDENTS/DIVISIONAL BRANCH VICE-PRESIDENTS (QUEENSLAND)

(i) This rule applies only in relation to the QNTDB and notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers.

(ii) In the QNTDB there shall be two Divisional Branch Senior Vice-Presidents one of whom shall, in the absence of the Divisional Branch President, preside at meetings of, or convened by, the Divisional Branch Council or Divisional Branch Executive. The Divisional Branch Executive will determine, for the purposes of this sub-rule, which of the Divisional Senior Vice-Presidents is to so act.

(iii) The Divisional Branch Senior Vice-Presidents in the QNTDB shall have such other duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

(iv) In the QNTDB there shall be two Divisional Branch Vice-Presidents one of whom being the Divisional Branch Vice-President of the QNTDB immediately prior to the commencement day, shall be designated Divisional Branch Vice-President (Construction Workers Divisional Branch).

(v) The Divisional Branch Vice-Presidents in the QNTDB shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(iA) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(iB) (a) The purpose of this rule is to provide for:

(i) the merger of the QNTDB with the QBLDB to constitute on commencement day, the QNTDB; and

(ii) the conduct of the first election for the offices of the QNTDB in the year 2016 ("the 2016 elections").

(b) This rule shall apply notwithstanding any other provision of these Divisional Rules.

(c) The provisions of this rule provide for the merger and shall take effect on, and from, either the 3rd January 2014 or the day after the General Manager of the Fair Work Commission certifies them, whichever is the later ("the commencement day").

(d) The QNTDB, and the members attached to it, shall comply with the provisions of this rule severally.

(e) On, and from, the commencement day, the QNTDB and the QBLDB shall be merged to form the Queensland-Northern Territory Divisional Branch.

(f) On commencement day the financial members of the QNTDB shall, despite rule 40(2)(ii)(C), be represented in the offices set out in column B by the persons holding the office set out in column A on the day immediately preceding the commencement day in respectively the QNTDB or the QBLDB:

A	B
Divisional Branch Secretary - QBLDB	Divisional Branch President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch

Divisional Branch President - QBLDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Assistant Secretary - QBLDB	Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Vice President - QBLDB	Divisional Branch Vice President and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Trustees - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Treasurer - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Guardian - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Executive Members - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch President - QNTDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Vice-President - QNTDB	Divisional Branch Vice President (Construction Workers Divisional Branch) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Secretary - QNTDB	Divisional Branch Secretary Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Plasterers) - QNTDB	Divisional Branch Assistant Secretary (Plasterers) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Painters) - QNTDB	Divisional Branch Assistant Secretary (Painters) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (General) - QNTDB	Divisional Branch Assistant Secretary (General)

	Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Executive Member - QNTDB	Divisional Branch Executive Member and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (South East Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Regional Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Northern Territory) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch

and such persons as referred to in Column A herein shall, subject to these Divisional Rules, continue to hold the office in the merged Divisional Branch as described in Column B herein, until their successor takes office following the 2016 elections.

(h) The officers of the Divisional Branch Council of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Management Committee, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(i) The officers of the Divisional Branch Executive of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Executive, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive and who are by operation of these rules, members of the QNTDB Divisional Branch Executive on and from commencement day, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting.

(j) A member of the QNTDB, who becomes a member on, or following, the commencement day is liable to pay subscriptions and fees in accordance with these Divisional Rules.

(k) There shall be an inaugural meeting of the Divisional Branch Council of the QNTDB to be held within two (2) months of the commencement day.

(l) There shall be an inaugural meeting of the Divisional Branch Executive of the QNTDB to be held within one (1) month of the commencement day.

(m) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QBLDB contiguous with periods of financial membership with the QNTDB.

(n) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QCWDB contiguous with periods of financial membership with the QNTDB.

(o) At meetings of the Divisional Branch Council and Divisional Branch Executive of the QNTDB, quorum shall be as provided by rules 41(a) and 42(b) respectively provided however that for the purposes of quorum at least one (1) member must be a person who was a member of the QBLDB on the day immediately preceding amalgamation day and at least one (1) member must be a person who was a member of the QNTDB on the day immediately preceding amalgamation day.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

[105N-BWIU: Incorporates alterations of 22 December 2016 in matter R2016/320]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 83 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 - NAME

The name of the Division shall be "the Construction and General Division".

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

“commencement day” means the date provided by rule 69(iB)(c)

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"QBLDB" means the Queensland Builders Labourers Divisional Branch.

"QNTDB" means the Queensland Northern Territory Divisional Branch.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional

Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

(viii) Any person who, at the date of certification of this sub-rule, is a member of the Victorian Divisional Branch or the Tasmanian Divisional Branch shall be and become a member of the Victoria-Tasmania Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Tasmanian Divisional Branch or the Victorian Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania Divisional Branch. Further provided that the period of membership of the Victoria-Tasmania Divisional Branch shall be the same as that held by such members within the Victorian Divisional Branch or Tasmanian Divisional Branch, as the case may be.

(ix) Any person who, at the date of certification of this sub-rule, is a member of the QBLDB shall become a member of the QNTDB and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the QBLDB as at the date this rule takes effect shall become an amount owing to the QNTDB. Further provided that the period of membership of the QNTDB shall be the same as that held by such members within the QBLDB.

5 - ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 - CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 - SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate's proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-

rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viiA) Those members of the QNTDB and the QBLDB who held office as Divisional Conference Delegates on the day preceding the commencement day shall continue in office and be Divisional Conference Delegates for the QNTDB.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

   Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

   Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Northern Territory Divisional Branch.

   The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

   Further, the Victoria-Tasmania Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

   The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

   The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

   Further, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Senior Vice-President (Queensland Northern Territory Divisional Branch) and three (3) Divisional Vice-Presidents one from each of the Victoria-Tasmania, New South Wales and Queensland Builders Labourers Divisional Branches.

   The Divisional Senior Vice-President (Queensland Northern Territory Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Queensland Northern Territory Divisional Branch. Each of the three Divisional Vice-Presidents shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches.

   The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in

accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

The person holding the office of Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) immediately prior to the date of certification of this paragraph of sub-rule 1, shall, until 1 January 2013 only, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

Those members of the QNTDB and QBLDB who held office on the Divisional Executive on the day preceding the commencement day shall continue in office and be Divisional Executive members for the term of office ending in 2017.

1.A Notwithstanding the provisions of sub-rule 1 herein, but without affecting the term of office of persons holding office as Divisional Executive members at the date of certification of this sub-rule, for the purpose of the quadrennial Divisional elections to be held in 2013 and thereafter, the Divisional Executive shall be composed of one (1) Divisional President, one (1) Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, provided that in addition to the Divisional Executive members referred to in the immediately preceding paragraph, there shall be an additional Divisional Executive member for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch. For the purpose of this sub-rule the number of financial members shall be the number of such members as at 31 March in the year of the election. Such additional Divisional Executive members shall, notwithstanding sub-rule 2 herein, be nominated and elected by and from the Divisional Conference delegates from the relevant Divisional Branches to which those offices relate, such election to be conducted at the same time as the election of the Divisional Executive members referred to in the preceding paragraph.

Further provided that immediately following the declaration of the result of the election/ballot in accordance with sub-rules 7 or 11 herein, as the case may be, the Divisional Returning Officer shall call for nominations from the newly elected Divisional Executive members, other than the Divisional President, Divisional Secretary and Divisional Assistant Secretaries, for the offices of Divisional Senior Vice-President and Divisional Vice-President, and if necessary, conduct a ballot to determine those positions.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the

union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each financial year. Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 - AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each financial year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch)

Provided however that the operation of the Victoria-Tasmania Divisional Branch shall be reviewed by the Divisional Executive with a view to re-establishing separate Divisional Branches in the States of Victoria and Tasmania where, in the opinion of the Divisional Executive, the establishment of such separate Divisional Branches is in the interests of the members in those states and the Division as a whole. Such a review shall be completed within three (3) years of the declaration of the ballot for the Divisional Branch elections in 2012.

(ii) Notwithstanding any other rule to the contrary, the Divisional Branch President and the Divisional Branch Secretary of the former Tasmanian Divisional Branch shall upon the establishment of the Victoria-Tasmania Divisional Branch and until the declaration of the Divisional Branch elections in 2012, be and remain delegates to the Divisional Conference of the CFMEU, Construction and General Division.

(c) In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 - DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 - EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the

members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 - STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An

amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 - NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

29 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Northern Territory Divisional Branch.

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria or Tasmania shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania Divisional Branch.

30 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;

(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependent upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Northern Territory Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Northern Territory Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 - ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 - CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Further provided that in the case of the Queensland Northern Territory Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 - AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 - FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every financial year to and including the last day of December of each financial year. Such auditor shall also produce and certify a yearly balance sheet. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 - OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) Without affecting the term of office of persons holding office as Divisional Branch Officers in the QNTDB and the QBLDB immediately prior to the date of certification of this sub-rule, in the QNTDB the officers of the Divisional Branch shall, on and from 3 January 2014 and as a result of the merger of the QNTDB and the QBLDB, consist of the Divisional Branch President (which position shall be full-time), two (2) Divisional Branch Senior Vice-Presidents (which positions shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and two Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, 4 Divisional Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, a Divisional Branch Assistant Secretary, a Divisional Branch Senior Vice-President (FEDFA), a Divisional Branch Assistant Secretary (FEDFA), (both of which shall be paid, full-time positions), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time

position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

38 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Divisional Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary Divisional Branch Secretary/Treasurer Divisional Branch Assistant Secretary Divisional Branch President Divisional Branch Senior Vice-President and Vice President Divisional Branch Delegate to Divisional Conference	) 3 years' continuous financial membership
Divisional Branch Management Committee Member District Secretary/Organiser Organiser Sub-Branch Secretary, President, Or Management Committee Member Divisional Branch Trustee (South Australia and Queensland Builders Labourers' Divisional Branches)	) 1 year's continuous financial membership
Divisional Branch Councillor, representatives	) financial membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Divisional Returning Officer by notification in the union journal or in one daily newspaper circulating in the Divisional Branch area on or before the last day of August 1996.

All districts shall be notified by circular of the opening and closing date of nominations.

Provided that such advertisements shall clearly indicate that the Divisional Management Committee members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered

post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by registered mail all ballot papers. Provided that the Divisional Branch Management Committee may, prior to the commencement of the ballot, decide that registered mail is not required in which case the ballots shall be sent by prepaid post in lieu thereof.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

(s) At the conclusion of the ballot, the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(u) (i) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

The Divisional Branch Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot.

They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Divisional Branch Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 - SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Northern Territory Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council in New South Wales shall consist of the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary (and on and from 2 January 2001, or the declaration of the election in 2001, whichever is the later, a second Divisional Branch Assistant Secretary) and the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

Provided however, and without affecting the term of the office of persons holding office as Divisional Branch Council members immediately prior to the date of certification of this sub-rule, the Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (d) herein.

(b) The Divisional Branch Council in New South Wales shall consist of the following Zone Councillors;

Sydney Zone: Without affecting the term of office of persons holding office as Divisional Branch Councillors immediately prior to the date of certification of this sub-rule, the Divisional Branch Councillors (Sydney Zone) of the New South Wales Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of 25 Councillors, 3 of which shall be FEDFA (i.e. members eligible pursuant to National Rule 2(E)), 9 of which shall be builders' labourers (i.e. members eligible pursuant to National Rule 2(B)) and 13 of which shall be from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rule 2(E) or 2(B)) provided however that no less than 4 of the 13 last mentioned Councillors shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Further provided that on and from 2 January, 2005 or the declaration of the election in 2004, whichever is the later, the numbers 25, 9 and 13 in the immediately preceding sentence shall be read as 27, 10 and 14 respectively.

Newcastle Zone: 3 councillors elected by and from members in the Newcastle Zone.

Wollongong Zone: 3 councillors elected by and from members in the Wollongong Zone.

Country Zone: (which is the rest of New South Wales)
3 Councillors elected by and from members in the Country Zone.

(c) For the purposes of sub-rule (b) herein the zones shall be: -

Zone	Member's Residential Postcode
Sydney	1235 - 1890 Inclusive
	2000 - 2013 Inclusive
	2014 - 2077 Inclusive
	2079 - 2098 Inclusive
	2099 - 2128 Inclusive
	2129 - 2148 Inclusive
	2150 - 2158 Inclusive
	2160 - 2172 Inclusive
	2174
	2175
	2176 - 2177
	2190 - 2200 Inclusive
	2203 - 2234 Inclusive
	2557 - 2560 Inclusive
	2563 - 2573 Inclusive
	2745
	2747 - 2768 Inclusive

	2770 2773 - 2786 Inclusive
Newcastle	2159 2250 - 2251 2253 - 2265 Inclusive 2267 2278 2280 - 2287 Inclusive 2289 - 2296 Inclusive 2297 - 2307 Inclusive 2309 - 2312 Inclusive 2314 - 2317 2319 - 2323 Inclusive 2324 - 2327 Inclusive 2330 - 2331 2334 – 2335 2420 2421
Wollongong	2173 2500 2502 2505 - 2506 2508 2515 - 2519 Inclusive 2525 - 2527 Inclusive 2528 - 2530 Inclusive 2533 - 2535 Inclusive 2537 2539 2540 - 2541 2574 - 2576 Inclusive 2577 - 2578
Country	All postcodes except those nominated in the Sydney, Newcastle and Wollongong Zones above.

(d) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.
Camden Zone:	3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.
Country Zone:	3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch.

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

(ii) (A) For the quadrennial elections to be held in 2012, and for all quadrennial elections thereafter, the Divisional Branch Council of the Queensland Construction Workers Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Vice-President
(iii) the Divisional Branch Secretary;
(iv) the Divisional Branch Assistant Secretaries;
(v) the Divisional Branch Executive Member;
(vi) 12 members on the Divisional Branch Council who shall be elected by and from the two sub-groups as follows:

(a) 8 Divisional Branch Council members who will be elected by, and from, the members who reside in South East Queensland; and

(b) 4 Divisional Branch Council Members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

subject to the following:

1. in relation to the Divisional Branch President:

a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch President resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch President resides in Regional Queensland;

2. in relation to the Divisional Branch Vice President:

a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Vice President resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Vice President resides in Regional Queensland;

3. in relation to the Divisional Branch Executive Member:

a. that the number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Executive Member resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Executive Member resides in Regional Queensland;

The Divisional Branch Secretary, the Divisional Branch President and the Divisional Branch Vice President will, subject to this sub-rule, be elected by and from Members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote in accordance with these Rules.

The Divisional Branch Executive Member will not be a full-time official or hold any other office and will, subject to this sub-rule be elected by and from Members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote in accordance with these rules.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Assistant Secretary (General) shall be elected by and from all members of the Queensland Construction Workers Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Council will, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number and designation of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Council will, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Council may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis

For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council; and

(s) Torres Strait & Torres Strait Regional Council.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset;

(j) Sunshine Coast.

(B) Despite sub-rule (A) but without affecting the term of office of the Divisional Branch Council members elected to office at the 2012 Divisional Branch elections, on and from the date of certification of this sub-rule, and for all quadrennial elections thereafter, the Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) the Divisional Branch Vice-President
(iii) the Divisional Branch Secretary;

(iv) the Divisional Branch Assistant Secretaries;
(v) the Divisional Branch Executive Member;
(vi) 12 members on the Divisional Branch Council who shall be elected by and from the two sub-groups as follows:

(a) 8 Divisional Branch Council members who will be elected by, and from, the members who reside in South East Queensland;

(b) 3 Divisional Branch Council Members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) 1 Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory, subject to the following:

1. in relation to the Divisional Branch President the:

a. number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch President resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch President resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vi)(c) is to be reduced by one if the Divisional Branch President resides in the Northern Territory;

2. in relation to the Divisional Branch Vice President the:

a. number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Vice President resides in South East Queensland;

b. number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Vice President resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vi)(c) is to be reduced by one if the Divisional Branch Vice President resides in the Northern Territory;

3. in relation to the Divisional Branch Executive Member the:

a. number of Divisional Branch Council members elected from (vi)(a) is to be reduced by one if the Divisional Branch Executive Member resides in South East Queensland;

b. number of Divisional Branch Council members elected from (vi)(b) is to be reduced by one if the Divisional Branch Executive Member resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vi)(c) is to be reduced by one if the Divisional Branch Executive Member resides in the Northern Territory;

The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, Divisional Branch President and the Divisional Branch Vice President shall, subject to this sub-rule, be elected by and from Members of the Queensland Northern Territory Divisional Branch, who are eligible to nominate and vote in accordance with these Rules.

The Divisional Branch Executive Member shall not be a full-time official or hold any other office and shall, subject to this sub-rule be elected by and from Members of the Queensland Northern Territory Divisional Branch, who are eligible to nominate and vote in accordance with these rules.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the Queensland Northern Territory Divisional Branch, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the Queensland Northern Territory Divisional Branch, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Assistant Secretary (General) shall be elected by and from all members of the Queensland Northern Territory Divisional Branch, who are eligible to nominate and vote.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Council may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis

For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council; and

(s) Torres Strait & Torres Strait Regional Council.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset;

(j) Sunshine Coast.

(C) Despite sub-rules (A) and (B) but without affecting the term of office of the Divisional Branch Council members of the QNTDB and the QBLDB elected to office at the 2012 Divisional Branch elections, on and from the date of certification of this sub-rule, the Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) two (2) Divisional Branch Senior Vice-Presidents;

(iii) two (2) Divisional Branch Vice-Presidents;
(iv) the Divisional Branch Secretary;
(v) the Divisional Branch Assistant Secretaries;
(vi) two (2) Divisional Branch Executive Members;
(vii) 12 members on the Divisional Branch Council who shall be elected by and from the two sub-groups as follows:

(a) eight (8) Divisional Branch Council members who shall be elected by, and from, the members who reside in South East Queensland;

(b) three (3) Divisional Branch Council Members who shall be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) one(1) Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory, subject to the following:

1. in relation to the Divisional Branch President the:

a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one if the Divisional Branch President resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one if the Divisional Branch President resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one if the Divisional Branch President resides in the Northern Territory;

2. in relation to the Divisional Branch Senior Vice Presidents the:

a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in South East Queensland;

b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in the Northern Territory;

3. in relation to the Divisional Branch Vice Presidents the:

a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Vice President resides in South East Queensland;

b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Vice President resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one if a Divisional Branch Vice President resides in the Northern Territory;

4. in relation to the Divisional Branch Executive Members the:

a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Executive Member resides in South East Queensland;

b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Executive Member resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one or more if a Divisional Branch Executive Member resides in the Northern Territory;

The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, the Divisional Branch President, the Divisional Branch Senior Vice-Presidents and the Divisional Branch Vice Presidents shall, subject to this sub-rule, be elected by and from Members of the QNTDB, who are eligible to nominate and vote in accordance with these Rules.

The Divisional Branch President will be a full-time office.

The Divisional Branch Senior Vice Presidents, the Divisional Branch Vice Presidents and the Divisional Branch Executive Members shall, subject to this sub-rule, be elected by and from members of the QNTDB, who are eligible to nominate and vote in accordance with these rules.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the QNTDB, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the QNTDB, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Assistant Secretaries (General) shall be elected by and from all members of the QNTDB, who are eligible to nominate and vote.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Council may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

Further provided that each member of the Divisional Branch Executive of the QBLDB elected to office in 2012 who is not otherwise a member of the QNTDB Divisional Branch Council shall become a member of the QNTDB Divisional Branch Council and be entitled to so remain, subject to these rules, for the balance of the 2012-2016 term of office.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in rule 38 of these rules, determine the number of:

(i) members of the Divisional Branch Council who reside in:

(a) South East Queensland;
(b) Regional Queensland; and
(c) Northern Territory

For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council; and

(s) Torres Strait & Torres Strait Regional Council.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset; and

(j) Sunshine Coast.

(D) In Queensland the Builders Labourers Divisional Branch Council shall for all purposes be and consist of the Builders Labourers Divisional Branch Executive and the two bodies shall for all purposes of these rules be and remain the same and any reference in these rules to the Builders Labourers Divisional Branch Council and/or the Builders Labourers Divisional Branch Executive shall for purposes be interchangeable.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of all those persons who were members of the Victorian Divisional Branch Council as at the date this rule took effect together with the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein.

(b) On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

c. The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive

LaTrobe	3812 - 3909 Inclusive 3921 - 3925 " 3945 - 3971 " 3979 3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Divisional Branch Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Divisional Branch Returning Officer and a Deputy Divisional Branch Returning Officer, who shall act in the absence of the Divisional Branch Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Divisional Branch Returning Officer shall hold office until a successor thereto is duly appointed. The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(ii) The Divisional Branch Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 - MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14

days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) In NSW the Divisional Branch Management Committee shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members consisting of 3 members eligible pursuant to National Rule 2(E), 10 members eligible pursuant to National Rule 2(B) and 13 members from all other members of the Divisional Branch (i.e. members other than those eligible pursuant to Rules 2(B) and 2(E)) provided however that no less than 4 of the 13 last mentioned Management Committee members shall be from the classifications of painter, plasterer, wall and floor tiler, slater and tiler or bricklayer.

Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) (a)(1) On and from 2 January, 2009 or the declaration of the election in 2008, whichever is the later, in the Queensland Construction Workers Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. all the Divisional Branch Assistant Secretaries; and

E. a member elected by, and from, the members of the Divisional Branch Management Committee, who are not full time officials or hold any other office other than the office of Divisional Branch Management Committee

member, at its first meeting held following a quadrennial election.

(2) Despite sub-rule (1) above, for the quadrennial elections to be first held in 2012 and for all quadrennial elections thereafter, in the Queensland Northern Territory Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. the Divisional Branch Assistant Secretaries; and

E. the Divisional Branch Executive Member.

(3) On the commencement date in the QNTDB there shall be a Divisional Branch Executive which shall consist of the following:

A. Divisional Branch President;

B. two (2) Divisional Branch Senior Vice-Presidents;

C. Divisional Branch Vice-President (Construction Workers Divisional Branch);

D. Divisional Branch Secretary;

E. Divisional Branch Assistant Secretaries; and

F. two (2) Divisional Branch Executive Members.

(4) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Northern Territory Divisional Branch be taken so far as the context allows to be a reference to the Queensland Northern Territory Divisional Branch Executive established in accordance with this sub-rule.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members

of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of all those persons who were members of the Victorian Divisional Branch Management Committee as at the date this rule took effect namely the Divisional Branch President, Divisional Branch Secretary, Divisional Branch Assistant Secretary, the Divisional Branch Assistant Secretary (FEDFA), the Divisional Branch Senior Vice-President (FEDFA), the 4 Divisional Branch Vice-Presidents, and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer, together with the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(i) herein.

On and from 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Divisional Branch Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A - DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

(i) In the Victoria-Tasmania Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA). Provided however that on and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B - DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

(i) On and from the date of certification of this sub-rule and until 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, there shall be a Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch, (Tasmania Sub-Branch), the members of which shall consist of the following persons who were, immediately prior to this rule taking effect, members of the Tasmanian Divisional Branch Management Committee:-

Name	Office Held within Tasmanian Divisional Branch	Office Held within Victoria-Tasmania Divisional Branch
Bill White	Divisional Branch Secretary	Sub-Branch Secretary
Dale Cracknell	Divisional Branch President	Sub-Branch President
Michael Van de Kamp	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Michael Norris	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Mick Huxley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Roy Smedley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Paul Rainey	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Dickie Post	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member

(ii) On and from 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(iii) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch. Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only. Further provided that the Victoria-Tasmania Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Tasmanian Divisional Branch and the Victorian Divisional Branch immediately prior to the certification of this sub-rule.

43 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In the New South Wales Divisional Branch the Victoria-Tasmania Divisional Branch and the QNTDB, the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 - DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 - DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the Divisional Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the Divisional Branch Assistant Secretary.

The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Branch Office, together with a statement of the assets and liabilities of the Divisional Branch Office for the financial year ending 31st December. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 - (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A - DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

48B - DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D- DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E- DELETED

48F - DIVISIONAL BRANCH SENIOR VICE-PRESIDENTS/DIVISIONAL BRANCH VICE-PRESIDENTS (QUEENSLAND)

(i) This rule applies only in relation to the QNTDB and notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers.

(ii) In the QNTDB there shall be two Divisional Branch Senior Vice-Presidents one of whom shall, in the absence of the Divisional Branch President, preside at meetings of, or convened by, the Divisional Branch Council or Divisional Branch Executive. The Divisional Branch Executive will determine, for the purposes of this sub-rule, which of the Divisional Senior Vice-Presidents is to so act.

(iii) The Divisional Branch Senior Vice-Presidents in the QNTDB shall have such other duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

(iv) In the QNTDB there shall be two Divisional Branch Vice-Presidents one of whom being the Divisional Branch Vice-President of the QNTDB immediately prior to the commencement day, shall be designated Divisional Branch Vice-President (Construction Workers Divisional Branch).

(v) The Divisional Branch Vice-Presidents in the QNTDB shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

49 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties

setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 - DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 - REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 - DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 - MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 - DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 - SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 - VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 - ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 - FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 - CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 - STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 - DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 - REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 - SPECIAL RULES

(iA) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(iB) (a) The purpose of this rule is to provide for:

(i) the merger of the QNTDB with the QBLDB to constitute on commencement day, the QNTDB; and

(ii) the conduct of the first election for the offices of the QNTDB in the year 2016 ("the 2016 elections").

(b) This rule shall apply notwithstanding any other provision of these Divisional Rules.

(c) The provisions of this rule provide for the merger and shall take effect on, and from, either the 3rd January 2014 or the day after the General Manager of the Fair Work Commission certifies them, whichever is the later ("the commencement day").

(d) The QNTDB, and the members attached to it, shall comply with the provisions of this rule severally.

(e) On, and from, the commencement day, the QNTDB and the QBLDB shall be merged to form the Queensland-Northern Territory Divisional Branch.

(f) On commencement day the financial members of the QNTDB shall, despite rule 40(2)(ii)(C), be represented in the offices set out in column B by the persons holding the office set out in column A on the day immediately preceding the commencement day in respectively the QNTDB or the QBLDB:

A	B
Divisional Branch Secretary - QBLDB	Divisional Branch President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch President - QBLDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Assistant Secretary - QBLDB	Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Vice President - QBLDB	Divisional Branch Vice President and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Trustees - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Treasurer - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Guardian - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Executive Members - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch President - QNTDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Vice-President - QNTDB	Divisional Branch Vice President (Construction Workers Divisional Branch) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Secretary - QNTDB	Divisional Branch Secretary Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Plasterers) - QNTDB	Divisional Branch Assistant Secretary (Plasterers) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary	Divisional Branch Assistant Secretary

(Painters) - QNTDB	(Painters) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (General) - QNTDB	Divisional Branch Assistant Secretary (General) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Executive Member - QNTDB	Divisional Branch Executive Member and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (South East Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Regional Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Northern Territory) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch

and such persons as referred to in Column A herein shall, subject to these Divisional Rules, continue to hold the office in the merged Divisional Branch as described in Column B herein, until their successor takes office following the 2016 elections.

(h) The officers of the Divisional Branch Council of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Management Committee, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(i) The officers of the Divisional Branch Executive of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Executive, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive and who are by operation of these rules, members of the QNTDB Divisional Branch Executive on and from commencement

day, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting.

(j) A member of the QNTDB, who becomes a member on, or following, the commencement day is liable to pay subscriptions and fees in accordance with these Divisional Rules.

(k) There shall be an inaugural meeting of the Divisional Branch Council of the QNTDB to be held within two (2) months of the commencement day.

(l) There shall be an inaugural meeting of the Divisional Branch Executive of the QNTDB to be held within one (1) month of the commencement day.

(m) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QBLDB contiguous with periods of financial membership with the QNTDB.

(n) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QCWDB contiguous with periods of financial membership with the QNTDB.

(o) At meetings of the Divisional Branch Council and Divisional Branch Executive of the QNTDB, quorum shall be as provided by rules 41(a) and 42(b) respectively provided however that for the purposes of quorum at least one (1) member must be a person who was a member of the QBLDB on the day immediately preceding amalgamation day and at least one (1) member must be a person who was a member of the QNTDB on the day immediately preceding amalgamation day.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

105N-BWIU: Incorporates alterations of 13 September 2017 [R2017/58]
(replaces rulebook dated 22 December 2016 [R2016/320])

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 77 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 – NAME

The name of the Division shall be "the Construction and General Division".

2 – ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 – DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

“commencement day” means the date provided by rule 69(iB)(c)

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“QBLDB” means the Queensland Builders Labourers Divisional Branch.

“QNTDB” means the Queensland Northern Territory Divisional Branch.

“UNFINANCIAL DIVISIONAL BRANCH” shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 – MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

(viii) Any person who, at the date of certification of this sub-rule, is a member of the Victorian Divisional Branch or the Tasmanian Divisional Branch shall be and become a member of the Victoria-Tasmania Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Tasmanian Divisional Branch or the Victorian Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania Divisional Branch. Further provided that the period of membership of the Victoria-Tasmania Divisional Branch shall be the same as that held by such members within the Victorian Divisional Branch or Tasmanian Divisional Branch, as the case may be.

(ix) Any person who, at the date of certification of this sub-rule, is a member of the QBLDB shall become a member of the QNTDB and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the QBLDB as at the date this rule takes effect shall become an amount owing to the QNTDB. Further provided that the period of membership of the QNTDB shall be the same as that held by such members within the QBLDB.

5 – ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 – CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 – SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 – SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

   Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate's proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viiA) Those members of the QNTDB and the QBLDB who held office as Divisional Conference Delegates on the day preceding the commencement day shall continue in office and be Divisional Conference Delegates for the QNTDB.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 – DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Northern Territory Divisional Branch.

The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

Further, the Victoria-Tasmania Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

Further, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Senior Vice-President (Queensland Northern Territory Divisional Branch) and three (3) Divisional Vice-Presidents one from each of the Victoria-Tasmania, New South Wales and Queensland Builders Labourers Divisional Branches.

The Divisional Senior Vice-President (Queensland Northern Territory Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Queensland Northern Territory Divisional Branch. Each of the three Divisional Vice-Presidents shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches.

The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

The person holding the office of Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) immediately prior to the date of certification of this paragraph of sub-rule 1, shall, until 1 January 2013 only, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

Those members of the QNTDB and QBLDB who held office on the Divisional Executive on the day preceding the commencement day shall continue in office and be Divisional Executive members for the term of office ending in 2017.

1.A Notwithstanding the provisions of sub-rule 1 herein, but without affecting the term of office of persons holding office as Divisional Executive members at the date of certification of this sub-rule, for the purpose of the quadrennial Divisional elections to be held in 2013 and thereafter, the Divisional Executive shall be composed of one (1) Divisional President, one (1) Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, provided that in addition to the Divisional Executive members referred to in the immediately preceding paragraph, there shall be an additional Divisional Executive member for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch. For the purpose of this sub-rule the number of financial members shall be the number of such members as at 31 March in the year of the election. Such additional Divisional Executive members shall, notwithstanding sub-rule 2 herein, be nominated and elected by and from the Divisional Conference delegates from the relevant Divisional Branches to which those offices relate, such election to be conducted at the same time as the election of the Divisional Executive members referred to in the preceding paragraph.

Further provided that immediately following the declaration of the result of the election/ballot in accordance with sub-rules 7 or 11 herein, as the case may be, the Divisional Returning Officer shall call for nominations from the newly elected Divisional Executive members, other than the Divisional President, Divisional Secretary and Divisional Assistant Secretaries, for the offices of Divisional Senior Vice-President and Divisional Vice-President, and if necessary, conduct a ballot to determine those positions.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 – REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 – REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or

Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 – VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 – DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each financial year. Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 – FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 – AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each financial year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 – ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 – RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 – DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch)

Provided however that the operation of the Victoria-Tasmania Divisional Branch shall be reviewed by the Divisional Executive with a view to re-establishing separate Divisional Branches in the States of Victoria and Tasmania where, in the opinion of the Divisional Executive, the establishment of such separate Divisional Branches is in the interests of the members in those states and the Division as a whole. Such a review shall be completed within three (3) years of the declaration of the ballot for the Divisional Branch elections in 2012.

(ii) Notwithstanding any other rule to the contrary, the Divisional Branch President and the Divisional Branch Secretary of the former Tasmanian Divisional Branch shall upon the establishment of the Victoria-Tasmania Divisional Branch and until the declaration of the Divisional Branch elections in 2012, be and remain delegates to the Divisional Conference of the CFMEU, Construction and General Division.

(c) In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 – DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 – EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 – SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 – DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 – PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 – RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 – LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 – VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 – STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 – NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

29 – ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Northern Territory Divisional Branch.

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria or Tasmania shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania Divisional Branch.

30 – MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependent upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Northern Territory Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Northern Territory Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 – ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 – CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Further provided that in the case of the Queensland Northern Territory Divisional Branch any member owing not more than one half-yearly contribution of union dues at the time of providing such an authority shall, upon providing such an authority, be regarded as a financial member and be entitled to all the benefits of membership other than the right to vote. Where contributions are made under such authority for a continuous period of 26 weeks or more, such member of the aforementioned Divisional Branch shall be regarded as a financial member and be entitled to all the benefits of membership including the right to vote.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 – COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 – AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 – FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 – AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every financial year to and including the last day of December of each financial year. Such auditor shall also produce and certify a yearly balance sheet. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 – OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) Without affecting the term of office of persons holding office as Divisional Branch Officers in the QNTDB and the QBLDB immediately prior to the date of certification of this sub-rule, in the QNTDB the officers of the Divisional Branch shall, on and from 3 January 2014 and as a result of the merger of the QNTDB and the QBLDB, consist of the Divisional Branch President (which position shall be full-time), two (2) Divisional Branch Senior Vice-Presidents (which positions shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and two Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, 4 Divisional Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, a Divisional Branch Assistant Secretary, a Divisional Branch Senior Vice-President (FEDFA), a Divisional Branch Assistant Secretary (FEDFA), (both of which shall be paid, full-time positions), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

38 – DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary Divisional Branch Secretary/Treasurer Divisional Branch Assistant Secretary Divisional Branch President Divisional Branch Senior Vice-President and Vice President Divisional Branch Delegate to Divisional Conference	) 3 years' continuous financial membership
Divisional Branch Management Committee Member District Secretary/Organiser Organiser Sub-Branch Secretary, President, Or Management Committee Member Divisional Branch Trustee (South Australia and Queensland Builders Labourers' Divisional Branches)	) 1 year's continuous financial membership
Divisional Branch Councillor, representatives	) financial membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Returning Officer by notification in the union journal and the Divisional and relevant Divisional Branch website. Where a Divisional Branch printed journal is not scheduled for publication within two weeks of the opening of nominations then the website notification shall suffice. Alternatively, notice may be given to members by publication in one daily newspaper circulating in the Divisional Branch area on or before the last day of August in the year of the election.

Provided that such notifications shall clearly indicate that the Divisional Executive members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations must be lodged with the Returning Officer before the close of nominations at the address and by the methods specified on the notice of election. Nomination forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Returning Officer to fill any vacancy or vacancies the Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within one day of the closing of nominations, a certified list of financial members entitled to vote to the Returning Officer.

(n) The Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Returning Officer shall post to each member eligible to vote by pre-paid post all ballot papers. The ballot papers shall be posted to ensure eligible members receive them not less than 14 days before the closing of the ballot.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Returning Officer shall collect the returned ballot papers and keep them securely under their custody until the commencement of the count.

(s) The Returning Officer shall advise scrutineer/s of a secure space and location where the count shall occur. If the AEC is conducting the election, the counting of the ballot shall take place on AEC premises. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.

(u) (i) The Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post.

The Returning Officer's report to the Divisional Executive shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot.

They shall obey any directions given to them by the Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Returning Officer shall conduct an election in accordance with the rules, with any
necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 – PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 – SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Northern Territory Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.
Camden Zone:	3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.
Country Zone:	3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

The counties referred to in this sub-rule are as defined in accordance with the NSW lands administrative divisions.

(ii) (A) Without affecting the term of office of the Divisional Branch Council members of the QNTDB elected to office at the 2016 Divisional Branch elections, on and from the date of certification of this sub-rule, and thereafter, the Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) two (2) Divisional Branch Senior Vice-Presidents;
(iii) two (2) Divisional Branch Vice-Presidents;
(iv) the Divisional Branch Secretary;
(v) the Divisional Branch Assistant Secretaries;

(vi) two (2) Divisional Branch Executive Members;

(vii) 12 members on the Divisional Branch Council who shall be elected by and from the three sub-groups as follows:

(a) eight (8) Divisional Branch Council members who shall be elected by, and from, the members who reside in South East Queensland;

(b) three (3) Divisional Branch Council Members who shall be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) one(1) Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory, subject to the following:

1. in relation to the Divisional Branch President the:

a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one if the Divisional Branch President resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one if the Divisional Branch President resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one if the Divisional Branch President resides in the Northern Territory;

2. in relation to the Divisional Branch Senior Vice Presidents the:

a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in South East Queensland;

b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in the Northern Territory;

3. in relation to the Divisional Branch Vice Presidents the:

a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Vice President resides in South East Queensland;

b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Vice President resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one if a Divisional Branch Vice President resides in the Northern Territory;

4. in relation to the Divisional Branch Executive Members the:

a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Executive Member resides in South East Queensland;

b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Executive Member resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one or more if a Divisional Branch Executive Member resides in the Northern Territory;

The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, the Divisional Branch President, the Divisional Branch Senior Vice-Presidents and the Divisional Branch Vice Presidents shall, subject to this sub-rule, be elected by and from Members of the QNTDB, who are eligible to nominate and vote in accordance with these Rules.

The Divisional Branch President will be a full-time office.

The Divisional Branch Senior Vice Presidents, the Divisional Branch Vice Presidents and the Divisional Branch Executive Members shall, subject to this sub-rule, be elected by and from members of the QNTDB, who are eligible to nominate and vote in accordance with these rules.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the QNTDB, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the QNTDB, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Assistant Secretaries (General) shall be elected by and from all members of the QNTDB, who are eligible to nominate and vote.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Council may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

Further provided that each member of the Divisional Branch Executive of the QBLDB elected to office in 2012 who is not otherwise a member of the QNTDB Divisional Branch Council shall become a member of the QNTDB Divisional Branch Council and be entitled to so remain, subject to these rules, for the balance of the 2012-2016 term of office.

For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council; and

(s) Torres Strait & Torres Strait Regional Council.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset; and

(j) Sunshine Coast.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

(b) The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Returning Officer and a Deputy Returning Officer, who shall act in the absence of the Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Returning Officer shall hold office until a successor thereto is duly appointed. The Returning Officer shall have absolute control of any election or appointment.

(ii) The Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 – MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 – DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) For the quadrennial elections to be first held in 2012 and for all quadrennial elections thereafter in the Queensland Northern Territory Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. the Divisional Branch Assistant Secretaries; and

E. the Divisional Branch Executive Member.

On the commencement date in the QNTDB there shall be a Divisional Branch Executive which shall consist of the following:

A. Divisional Branch President;

B. two (2) Divisional Branch Senior Vice-Presidents;

C. Divisional Branch Vice-President (Construction Workers Divisional Branch);

D. Divisional Branch Secretary;

E. Divisional Branch Assistant Secretaries; and

F. two (2) Divisional Branch Executive Members.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Northern Territory Divisional Branch be taken so far as the context allows to be a reference to the Queensland Northern Territory Divisional Branch Executive established in accordance with this sub-rule.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) On and from 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A – DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

(i) In the Victoria-Tasmania Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA). Provided however that on and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B – DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

(i) On and from the date of certification of this sub-rule and until 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, there shall be a Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch, (Tasmania Sub-Branch), the members of which shall consist of the following persons who were, immediately prior to this rule taking effect, members of the Tasmanian Divisional Branch Management Committee:-

Name	Office Held within Tasmanian Divisional Branch	Office Held within Victoria-Tasmania Divisional Branch
Bill White	Divisional Branch Secretary	Sub-Branch Secretary
Dale Cracknell	Divisional Branch President	Sub-Branch President
Michael Van de Kamp	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Michael Norris	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Mick Huxley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Roy Smedley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Paul Rainey	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Dickie Post	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member

(ii) On and from 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(iii) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch. Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only. Further provided that the Victoria-Tasmania Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Tasmanian Divisional Branch and the Victorian Divisional Branch immediately prior to the certification of this sub-rule.

43 – DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In the New South Wales Divisional Branch the Victoria-Tasmania Divisional Branch and the QNTDB, the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 – DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 – DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the Divisional Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the Divisional Branch Assistant Secretary.

The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 – DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Branch Office, together with a statement of the assets and liabilities of the Divisional Branch Office for the financial year ending 31st December. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 – (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A – DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

48B – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E – DELETED

48F – DIVISIONAL BRANCH SENIOR VICE-PRESIDENTS/DIVISIONAL BRANCH VICE-PRESIDENTS (QUEENSLAND)

(i) This rule applies only in relation to the QNTDB and notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers.

(ii) In the QNTDB there shall be two Divisional Branch Senior Vice-Presidents one of whom shall, in the absence of the Divisional Branch President, preside at meetings of, or convened by, the Divisional Branch Council or Divisional Branch Executive. The Divisional Branch Executive will determine, for the purposes of this sub-rule, which of the Divisional Senior Vice-Presidents is to so act.

(iii) The Divisional Branch Senior Vice-Presidents in the QNTDB shall have such other duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

(iv) In the QNTDB there shall be two Divisional Branch Vice-Presidents one of whom being the Divisional Branch Vice-President of the QNTDB immediately prior to the commencement day, shall be designated Divisional Branch Vice-President (Construction Workers Divisional Branch).

(v) The Divisional Branch Vice-Presidents in the QNTDB shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

49 – FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 – DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 – REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 – DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 – MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 – PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 – APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 – DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 – SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 – VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 – ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 – TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 – FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 – CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 – RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 – STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 – INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 – DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 – REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 – SPECIAL RULES

(iA) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(iB) (a) The purpose of this rule is to provide for:

(i) the merger of the QNTDB with the QBLDB to constitute on commencement day, the QNTDB; and

(ii) the conduct of the first election for the offices of the QNTDB in the year 2016 ("the 2016 elections").

(b) This rule shall apply notwithstanding any other provision of these Divisional Rules.

(c) The provisions of this rule provide for the merger and shall take effect on, and from, either the 3rd January 2014 or the day after the General Manager of the Fair Work Commission certifies them, whichever is the later ("the commencement day").

(d) The QNTDB, and the members attached to it, shall comply with the provisions of this rule severally.

(e) On, and from, the commencement day, the QNTDB and the QBLDB shall be merged to form the Queensland-Northern Territory Divisional Branch.

(f) On commencement day the financial members of the QNTDB shall, despite rule 40(2)(ii)(C), be represented in the offices set out in column B by the persons holding the office set out in column A on the day immediately preceding the commencement day in respectively the QNTDB or the QBLDB:

A	B
Divisional Branch Secretary - QBLDB	Divisional Branch President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch President - QBLDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Assistant Secretary - QBLDB	Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Vice President - QBLDB	Divisional Branch Vice President and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Trustees - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Treasurer - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Guardian - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Executive Members - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch President - QNTDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Vice-President - QNTDB	Divisional Branch Vice President (Construction Workers Divisional Branch) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Secretary - QNTDB	Divisional Branch Secretary Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Plasterers) - QNTDB	Divisional Branch Assistant Secretary (Plasterers)

	Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Painters) - QNTDB	Divisional Branch Assistant Secretary (Painters) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (General) - QNTDB	Divisional Branch Assistant Secretary (General) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Executive Member - QNTDB	Divisional Branch Executive Member and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (South East Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Regional Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Northern Territory) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch

and such persons as referred to in Column A herein shall, subject to these Divisional Rules, continue to hold the office in the merged Divisional Branch as described in Column B herein, until their successor takes office following the 2016 elections.

(h) The officers of the Divisional Branch Council of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Management Committee, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(i) The officers of the Divisional Branch Executive of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Executive, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive and who are by operation of these rules, members of the QNTDB Divisional Branch Executive on and from commencement day, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting.

(j) A member of the QNTDB, who becomes a member on, or following, the commencement day is liable to pay subscriptions and fees in accordance with these Divisional Rules.

(k) There shall be an inaugural meeting of the Divisional Branch Council of the QNTDB to be held within two (2) months of the commencement day.

(l) There shall be an inaugural meeting of the Divisional Branch Executive of the QNTDB to be held within one (1) month of the commencement day.

(m) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QBLDB contiguous with periods of financial membership with the QNTDB.

(n) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QCWDB contiguous with periods of financial membership with the QNTDB.

(o) At meetings of the Divisional Branch Council and Divisional Branch Executive of the QNTDB, quorum shall be as provided by rules 41(a) and 42(b) respectively provided however that for the purposes of quorum at least one (1) member must be a person who was a member of the QBLDB on the day immediately preceding amalgamation day and at least one (1) member must be a person who was a member of the QNTDB on the day immediately preceding amalgamation day.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

105N-BWIU: Incorporates alterations of 16 February 2018 [R2017/191]
(replaces rulebook dated 13 September 2017 [R2017/58])

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 80 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 – NAME

The name of the Division shall be "the Construction and General Division".

2 – ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 – DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

“commencement day” means the date provided by rule 69(iB)(c)

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“QBLDB” means the Queensland Builders Labourers Divisional Branch.

“QNTDB” means the Queensland Northern Territory Divisional Branch.

“UNFINANCIAL DIVISIONAL BRANCH” shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 – MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

(viii) Any person who, at the date of certification of this sub-rule, is a member of the Victorian Divisional Branch or the Tasmanian Divisional Branch shall be and become a member of the Victoria-Tasmania Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Tasmanian Divisional Branch or the Victorian Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania Divisional Branch. Further provided that the period of membership of the Victoria-Tasmania Divisional Branch shall be the same as that held by such members within the Victorian Divisional Branch or Tasmanian Divisional Branch, as the case may be.

(ix) Any person who, at the date of certification of this sub-rule, is a member of the QBLDB shall become a member of the QNTDB and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the QBLDB as at the date this rule takes effect shall become an amount owing to the QNTDB. Further provided that the period of membership of the QNTDB shall be the same as that held by such members within the QBLDB.

5 – ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 – CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 – SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 – SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viiA) Those members of the QNTDB and the QBLDB who held office as Divisional Conference Delegates on the day preceding the commencement day shall continue in office and be Divisional Conference Delegates for the QNTDB.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 – DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Northern Territory Divisional Branch.

The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

Further, the Victoria-Tasmania Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

Further, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Senior Vice-President (Queensland Northern Territory Divisional Branch) and three (3) Divisional Vice-Presidents one from each of the Victoria-Tasmania, New South Wales and Queensland Builders Labourers Divisional Branches.

The Divisional Senior Vice-President (Queensland Northern Territory Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Queensland Northern Territory Divisional Branch. Each of the three Divisional Vice-Presidents shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches.

The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

The person holding the office of Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) immediately prior to the date of certification of this paragraph of sub-rule 1, shall, until 1 January 2013 only, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

Those members of the QNTDB and QBLDB who held office on the Divisional Executive on the day preceding the commencement day shall continue in office and be Divisional Executive members for the term of office ending in 2017.

1.A Notwithstanding the provisions of sub-rule 1 herein, but without affecting the term of office of persons holding office as Divisional Executive members at the date of certification of this sub-rule, for the purpose of the quadrennial Divisional elections to be held in 2013 and thereafter, the Divisional Executive shall be composed of one (1) Divisional President, one (1) Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, provided that in addition to the Divisional Executive members referred to in the immediately preceding paragraph, there shall be an additional Divisional Executive member for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch. For the purpose of this sub-rule the number of financial members shall be the number of such members as at 31 March in the year of the election. Such additional Divisional Executive members shall, notwithstanding sub-rule 2 herein, be nominated and elected by and from the Divisional Conference delegates from the relevant Divisional Branches to which those offices relate, such election to be conducted at the same time as the election of the Divisional Executive members referred to in the preceding paragraph.

Further provided that immediately following the declaration of the result of the election/ballot in accordance with sub-rules 7 or 11 herein, as the case may be, the Divisional Returning Officer shall call for nominations from the newly elected Divisional Executive members, other than the Divisional President, Divisional Secretary and Divisional Assistant Secretaries, for the offices of Divisional Senior Vice-President and Divisional Vice-President, and if necessary, conduct a ballot to determine those positions.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

   Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

   The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

   (a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

   (b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

   In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

      (i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

      (ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 – REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 – REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 – VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 – DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each financial year. Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 – FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 – AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each financial year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 – ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 – RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 – DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch)

Provided however that the operation of the Victoria-Tasmania Divisional Branch shall be reviewed by the Divisional Executive with a view to re-establishing separate Divisional Branches in the States of Victoria and Tasmania where, in the opinion of the Divisional Executive, the establishment of such separate Divisional Branches is in the interests of the members in those states and the Division as a whole. Such a review shall be completed within three (3) years of the declaration of the ballot for the Divisional Branch elections in 2012.

(ii) Notwithstanding any other rule to the contrary, the Divisional Branch President and the Divisional Branch Secretary of the former Tasmanian Divisional Branch shall upon the establishment of the Victoria-Tasmania Divisional Branch and until the declaration of the Divisional Branch elections in 2012, be and remain delegates to the Divisional Conference of the CFMEU, Construction and General Division.

(c) In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 – DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 – EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 – SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 – DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 – PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 – RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 – LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 – VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 – STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 – NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

29 – ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Northern Territory Divisional Branch.

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria or Tasmania shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania Divisional Branch.

30 – MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependent upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Northern Territory Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Northern Territory Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 – ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 – CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 – COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 – AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 – FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 – AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every financial year to and including the last day of December of each financial year. Such auditor shall also produce and certify a yearly balance sheet. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 – OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) Without affecting the term of office of persons holding office as Divisional Branch Officers in the QNTDB and the QBLDB immediately prior to the date of certification of this sub-rule, in the QNTDB the officers of the Divisional Branch shall, on and from 3 January 2014 and as a result of the merger of the QNTDB and the QBLDB, consist of the Divisional Branch President (which position shall be full-time), two (2) Divisional Branch Senior Vice-Presidents (which positions shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and two Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer), Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, 4 Divisional Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, a Divisional Branch Assistant Secretary, a Divisional Branch Senior Vice-President (FEDFA), a Divisional Branch Assistant Secretary (FEDFA), (both of which shall be paid, full-time positions), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

38 – DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary Divisional Branch Secretary/Treasurer Divisional Branch Assistant Secretary Divisional Branch President Divisional Branch Senior Vice-President and Vice President Divisional Branch Delegate to Divisional Conference	) 3 years' continuous financial membership
Divisional Branch Management Committee Member District Secretary/Organiser Organiser Sub-Branch Secretary, President, Or Management Committee Member Divisional Branch Trustee (South Australia and Queensland Builders Labourers' Divisional Branches)	) 1 year's continuous financial membership
Divisional Branch Councillor, representatives	) financial membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Returning Officer by notification in the union journal and the Divisional and relevant Divisional Branch website. Where a Divisional Branch printed journal is not scheduled for publication within two weeks of the opening of nominations then the website notification shall suffice. Alternatively, notice may be given to members by publication in one daily newspaper circulating in the Divisional Branch area on or before the last day of August in the year of the election.

Provided that such notifications shall clearly indicate that the Divisional Executive members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations must be lodged with the Returning Officer before the close of nominations at the address and by the methods specified on the notice of election. Nomination forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Returning Officer to fill any vacancy or vacancies the Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within one day of the closing of nominations, a certified list of financial members entitled to vote to the Returning Officer.

(n) The Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Returning Officer shall post to each member eligible to vote by pre-paid post all ballot papers. The ballot papers shall be posted to ensure eligible members receive them not less than 14 days before the closing of the ballot.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Returning Officer shall collect the returned ballot papers and keep them securely under their custody until the commencement of the count.

(s) The Returning Officer shall advise scrutineer/s of a secure space and location where the count shall occur. If the AEC is conducting the election, the counting of the ballot shall take place on AEC premises. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.

(u) (i) The Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post.

The Returning Officer's report to the Divisional Executive shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot.

They shall obey any directions given to them by the Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Returning Officer shall conduct an election in accordance with the rules, with any
necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 – PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 – SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Northern Territory Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.

Camden Zone: 3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.

Country Zone: 3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

The counties referred to in this sub-rule are as defined in accordance with the NSW lands administrative divisions.

(ii) (A) Without affecting the term of office of the Divisional Branch Council members of the QNTDB elected to office at the 2016 Divisional Branch elections, on and from the date of certification of this sub-rule, and thereafter, the Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) two (2) Divisional Branch Senior Vice-Presidents;
(iii) two (2) Divisional Branch Vice-Presidents;
(iv) the Divisional Branch Secretary;
(v) the Divisional Branch Assistant Secretaries;
(vi) two (2) Divisional Branch Executive Members;
(vii) 12 members on the Divisional Branch Council who shall be elected by and from the three sub-groups as follows:

(a) eight (8) Divisional Branch Council members who shall be elected by, and from, the members who reside in South East Queensland;

(b) three (3) Divisional Branch Council Members who shall be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) one(1) Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory, subject to the following:

1. in relation to the Divisional Branch President the:

a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one if the Divisional Branch President resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one if the Divisional Branch President resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one if the Divisional Branch President resides in the Northern Territory;

2. in relation to the Divisional Branch Senior Vice Presidents the:

a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in South East Queensland;

b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in the Northern Territory;

3. in relation to the Divisional Branch Vice Presidents the:

a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Vice President resides in South East Queensland;

b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Vice President resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one if a Divisional Branch Vice President resides in the Northern Territory;

4. in relation to the Divisional Branch Executive Members the:

a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Executive Member resides in South East Queensland;

b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Executive Member resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one or more if a Divisional Branch Executive Member resides in the Northern Territory;

The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, the Divisional Branch President, the Divisional Branch Senior Vice-Presidents and the Divisional Branch Vice Presidents shall, subject to this sub-rule, be elected by and from Members of the QNTDB, who are eligible to nominate and vote in accordance with these Rules.

The Divisional Branch President will be a full-time office.

The Divisional Branch Senior Vice Presidents, the Divisional Branch Vice Presidents and the Divisional Branch Executive Members shall, subject to this sub-rule, be elected by and from members of the QNTDB, who are eligible to nominate and vote in accordance with these rules.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the QNTDB, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the QNTDB, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Assistant Secretaries (General) shall be elected by and from all members of the QNTDB, who are eligible to nominate and vote.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Council may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

Further provided that each member of the Divisional Branch Executive of the QBLDB elected to office in 2012 who is not otherwise a member of the QNTDB Divisional Branch Council shall become a member of the QNTDB Divisional Branch Council and be entitled to so remain, subject to these rules, for the balance of the 2012-2016 term of office.

For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council; and

(s) Torres Strait & Torres Strait Regional Council.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset; and

(j) Sunshine Coast.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

(b) The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Returning Officer and a Deputy Returning Officer, who shall act in the absence of the Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Returning Officer shall hold office until a successor thereto is duly appointed. The Returning Officer shall have absolute control of any election or appointment.

(ii) The Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 – MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 – DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) For the quadrennial elections to be first held in 2012 and for all quadrennial elections thereafter in the Queensland Northern Territory Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. the Divisional Branch Assistant Secretaries; and

E. the Divisional Branch Executive Member.

On the commencement date in the QNTDB there shall be a Divisional Branch Executive which shall consist of the following:

A. Divisional Branch President;

B. two (2) Divisional Branch Senior Vice-Presidents;

C. Divisional Branch Vice-President (Construction Workers Divisional Branch);

D. Divisional Branch Secretary;

E. Divisional Branch Assistant Secretaries; and

F. two (2) Divisional Branch Executive Members.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Northern Territory Divisional Branch be taken so far as the context allows to be a reference to the Queensland Northern Territory Divisional Branch Executive established in accordance with this sub-rule.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary (Plasterer) and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) On and from 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A – DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

(i) In the Victoria-Tasmania Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA). Provided however that on and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B – DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

(i) On and from the date of certification of this sub-rule and until 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, there shall be a Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch, (Tasmania Sub-Branch), the members of which shall consist of the following persons who were, immediately prior to this rule taking effect, members of the Tasmanian Divisional Branch Management Committee:-

Name	Office Held within Tasmanian Divisional Branch	Office Held within Victoria-Tasmania Divisional Branch
Bill White	Divisional Branch Secretary	Sub-Branch Secretary
Dale Cracknell	Divisional Branch President	Sub-Branch President
Michael Van de Kamp	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Michael Norris	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Mick Huxley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Roy Smedley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Paul Rainey	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Dickie Post	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member

(ii) On and from 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(iii) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch. Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only. Further provided that the Victoria-Tasmania Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Tasmanian Divisional Branch and the Victorian Divisional Branch immediately prior to the certification of this sub-rule.

43 – DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In the New South Wales Divisional Branch the Victoria-Tasmania Divisional Branch and the QNTDB, the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 – DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 – DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the Divisional Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the Divisional Branch Assistant Secretary.

The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 – DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Branch Office, together with a statement of the assets and liabilities of the Divisional Branch Office for the financial year ending 31st December. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 – (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A – DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

48B – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E – DELETED

48F – DIVISIONAL BRANCH SENIOR VICE-PRESIDENTS/DIVISIONAL BRANCH VICE-PRESIDENTS (QUEENSLAND)

(i) This rule applies only in relation to the QNTDB and notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers.

(ii) In the QNTDB there shall be two Divisional Branch Senior Vice-Presidents one of whom shall, in the absence of the Divisional Branch President, preside at meetings of, or convened by, the Divisional Branch Council or Divisional Branch Executive. The Divisional Branch Executive will determine, for the purposes of this sub-rule, which of the Divisional Senior Vice-Presidents is to so act.

(iii) The Divisional Branch Senior Vice-Presidents in the QNTDB shall have such other duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

(iv) In the QNTDB there shall be two Divisional Branch Vice-Presidents one of whom being the Divisional Branch Vice-President of the QNTDB immediately prior to the commencement day, shall be designated Divisional Branch Vice-President (Construction Workers Divisional Branch).

(v) The Divisional Branch Vice-Presidents in the QNTDB shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

49 – FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 – DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 – REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 – DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 – MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 – PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 – APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 – DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 – SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 – VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 – ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 – TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 – FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 – CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 – RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 – STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 – INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 – DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 – REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 – SPECIAL RULES

(iA) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(iB) (a) The purpose of this rule is to provide for:

(i) the merger of the QNTDB with the QBLDB to constitute on commencement day, the QNTDB; and

(ii) the conduct of the first election for the offices of the QNTDB in the year 2016 ("the 2016 elections").

(b) This rule shall apply notwithstanding any other provision of these Divisional Rules.

(c) The provisions of this rule provide for the merger and shall take effect on, and from, either the 3rd January 2014 or the day after the General Manager of the Fair Work Commission certifies them, whichever is the later ("the commencement day").

(d) The QNTDB, and the members attached to it, shall comply with the provisions of this rule severally.

(e) On, and from, the commencement day, the QNTDB and the QBLDB shall be merged to form the Queensland-Northern Territory Divisional Branch.

(f) On commencement day the financial members of the QNTDB shall, despite rule 40(2)(ii)(C), be represented in the offices set out in column B by the persons holding the office set out in column A on the day immediately preceding the commencement day in respectively the QNTDB or the QBLDB:

A	B
Divisional Branch Secretary - QBLDB	Divisional Branch President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch President - QBLDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Assistant Secretary - QBLDB	Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch

Divisional Branch Vice President - QBLDB	Divisional Branch Vice President and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Trustees - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Treasurer - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Guardian - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Executive Members - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch President - QNTDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Vice-President - QNTDB	Divisional Branch Vice President (Construction Workers Divisional Branch) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Secretary - QNTDB	Divisional Branch Secretary Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Plasterers) - QNTDB	Divisional Branch Assistant Secretary (Plasterers) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Painters) - QNTDB	Divisional Branch Assistant Secretary (Painters) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch

Divisional Branch Assistant Secretary (General) - QNTDB	Divisional Branch Assistant Secretary (General) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Executive Member - QNTDB	Divisional Branch Executive Member and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (South East Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Regional Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Northern Territory) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch

and such persons as referred to in Column A herein shall, subject to these Divisional Rules, continue to hold the office in the merged Divisional Branch as described in Column B herein, until their successor takes office following the 2016 elections.

(h) The officers of the Divisional Branch Council of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Management Committee, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(i) The officers of the Divisional Branch Executive of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Executive, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive and who are by operation of these rules, members of the QNTDB Divisional Branch Executive on and from commencement day, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting.

(j) A member of the QNTDB, who becomes a member on, or following, the commencement day is liable to pay subscriptions and fees in accordance with these Divisional Rules.

(k) There shall be an inaugural meeting of the Divisional Branch Council of the QNTDB to be held within two (2) months of the commencement day.

(l) There shall be an inaugural meeting of the Divisional Branch Executive of the QNTDB to be held within one (1) month of the commencement day.

(m) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QBLDB contiguous with periods of financial membership with the QNTDB.

(n) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QCWDB contiguous with periods of financial membership with the QNTDB.

(o) At meetings of the Divisional Branch Council and Divisional Branch Executive of the QNTDB, quorum shall be as provided by rules 41(a) and 42(b) respectively provided however that for the purposes of quorum at least one (1) member must be a person who was a member of the QBLDB on the day immediately preceding amalgamation day and at least one (1) member must be a person who was a member of the QNTDB on the day immediately preceding amalgamation day.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

105N-BWIU: Incorporates alterations of 11 June 2018 [R2018/93]
(replaces rulebook dated 16 February 2018 [R2017/191])

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 80 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 – NAME

The name of the Division shall be "the Construction and General Division".

2 – ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 – DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

“commencement day” means the date provided by rule 69(iB)(c)

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“QBLDB” means the Queensland Builders Labourers Divisional Branch.

“QNTDB” means the Queensland Northern Territory Divisional Branch.

“UNFINANCIAL DIVISIONAL BRANCH” shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 – MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

(viii) Any person who, at the date of certification of this sub-rule, is a member of the Victorian Divisional Branch or the Tasmanian Divisional Branch shall be and become a member of the Victoria-Tasmania Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Tasmanian Divisional Branch or the Victorian Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania Divisional Branch. Further provided that the period of membership of the Victoria-Tasmania Divisional Branch shall be the same as that held by such members within the Victorian Divisional Branch or Tasmanian Divisional Branch, as the case may be.

(ix) Any person who, at the date of certification of this sub-rule, is a member of the QBLDB shall become a member of the QNTDB and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the QBLDB as at the date this rule takes effect shall become an amount owing to the QNTDB. Further provided that the period of membership of the QNTDB shall be the same as that held by such members within the QBLDB.

5 – ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 – CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 – SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 – SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

Provided that if at any time there is no longer an office of Divisional Branch Assistant Secretary (Plasterer) in the Australian Capital Territory Divisional Branch, the Divisional Branch Assistant Secretary of that Branch shall, by virtue of that office, be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate's proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viiA) Those members of the QNTDB and the QBLDB who held office as Divisional Conference Delegates on the day preceding the commencement day shall continue in office and be Divisional Conference Delegates for the QNTDB.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 – DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of one (1) Divisional President, three (3) Joint Divisional Senior Vice-Presidents, three (3) Divisional Vice-Presidents, Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, there shall be two members of the Divisional Executive additional to those other positions provided for in this sub-rule, one being a representative of the NSW Divisional Branch and the other being a representative of the WA Divisional Branch.

Further, there shall be another additional member of the Divisional Executive, such member representing the NSW Divisional Branch, but only for so long as the Queensland Builders Labourers' Branch remains a separate and distinct Divisional Branch from the Queensland Northern Territory Divisional Branch.

The additional Divisional Executive members, referred to in the preceding two paragraphs [referred to herein as the "Additional Divisional Executive members"], shall be nominated and elected by and from bodies comprising the Divisional Conference delegates from the NSW Divisional Branch (in the case of the additional NSW Divisional Branch representative) and the Divisional Conference delegates from the WA Divisional Branch (in the case of the additional WA Divisional Branch representative).

Further, the Victoria-Tasmania Divisional Branch Assistant Secretary (FEDFA) shall be an additional member of the Divisional Executive.

The Additional Divisional Executive members shall have the same rights and obligations as the other members of Divisional Executive.

The first elections for the Additional Divisional Executive members shall be conducted as soon as practicable after the certification of the amendments to this Sub-rule creating those positions, by means of a secret postal ballot of the two bodies comprising the WA and NSW Divisional Conference delegates respectively, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections. The persons thereby elected shall hold office until the expiry of the terms of office in 2005 of those persons holding offices under the first paragraph of this Sub-rule. Thereafter, their successors shall be elected during the other elections to be conducted under this rule at the Divisional Conference in 2005 and in each subsequent four (4) years thereafter.

Further, there shall be four members of the Divisional Executive additional to those other positions provided for in this sub-rule. These Divisional Executive members shall be a Divisional Senior Vice-President (Queensland Northern Territory Divisional Branch) and three (3) Divisional Vice-Presidents one from each of the Victoria-Tasmania, New South Wales and Queensland Builders Labourers Divisional Branches.

The Divisional Senior Vice-President (Queensland Northern Territory Divisional Branch) shall be nominated and elected by and from a body comprising the Divisional Conference delegates from the Queensland Northern Territory Divisional Branch. Each of the three Divisional Vice-Presidents shall be nominated and elected by and from each of the three bodies comprising the Divisional Conference delegates from their respective Divisional Branches.

The first elections for the Divisional Executive members referred to in the immediately preceding paragraph shall be conducted as soon as practicable after the certification of the amendments to this sub-rule creating those positions, by means of a secret postal ballots of the bodies referred to, in accordance with Rule 17 of the National Rules of the Union as modified to suit the requirements of those elections.

In addition to the above, there shall be two (2) representatives of the former OPPWF on the Divisional Executive, one of whom shall be the former National President of the OPPWF or the person replacing same under Sub-Rule 14 of this rule and the second shall be one (1) of the Divisional Vice-Presidents referred to above, who shall be elected by and from the Divisional Branch Assistant Secretaries (Plasterers) and, until the Divisional Conference following the General Elections, that Divisional Vice-President shall be the former OPPWF National Secretary or the person replacing same under Sub-Rule 14 of this rule.

The person holding the office of Industry Divisional Branch Secretary of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) immediately prior to the date of certification of this paragraph of sub-rule 1, shall, until 1 January 2013 only, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

Those members of the QNTDB and QBLDB who held office on the Divisional Executive on the day preceding the commencement day shall continue in office and be Divisional Executive members for the term of office ending in 2017.

1.A Notwithstanding the provisions of sub-rule 1 herein, but without affecting the term of office of persons holding office as Divisional Executive members at the date of certification of this sub-rule, for the purpose of the quadrennial Divisional elections to be held in 2013 and thereafter, the Divisional Executive shall be composed of one (1) Divisional President, one (1) Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, provided that in addition to the Divisional Executive members referred to in the immediately preceding paragraph, there shall be an additional Divisional Executive member for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch. For the purpose of this sub-rule the number of financial members shall be the number of such members as at 31 March in the year of the election. Such additional Divisional Executive members shall, notwithstanding sub-rule 2 herein, be nominated and elected by and from the Divisional Conference delegates from the relevant Divisional Branches to which those offices relate, such election to be conducted at the same time as the election of the Divisional Executive members referred to in the preceding paragraph.

Further provided that immediately following the declaration of the result of the election/ballot in accordance with sub-rules 7 or 11 herein, as the case may be, the Divisional Returning Officer shall call for nominations from the newly elected Divisional Executive members, other than the Divisional President, Divisional Secretary and Divisional Assistant Secretaries, for the offices of Divisional Senior Vice-President and Divisional Vice-President, and if necessary, conduct a ballot to determine those positions.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

   Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

   The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

   (a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

   (b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

   In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

      (i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

      (ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the Divisional Vice Presidents shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1 hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-Presidents and Divisional Vice-Presidents) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 – REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 – REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 – VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 – DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each financial year. Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 – FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 – AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each financial year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 – ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 – RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 – DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch)

Provided however that the operation of the Victoria-Tasmania Divisional Branch shall be reviewed by the Divisional Executive with a view to re-establishing separate Divisional Branches in the States of Victoria and Tasmania where, in the opinion of the Divisional Executive, the establishment of such separate Divisional Branches is in the interests of the members in those states and the Division as a whole. Such a review shall be completed within three (3) years of the declaration of the ballot for the Divisional Branch elections in 2012.

(ii) Notwithstanding any other rule to the contrary, the Divisional Branch President and the Divisional Branch Secretary of the former Tasmanian Divisional Branch shall upon the establishment of the Victoria-Tasmania Divisional Branch and until the declaration of the Divisional Branch elections in 2012, be and remain delegates to the Divisional Conference of the CFMEU, Construction and General Division.

(c) In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 – DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 – EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 – SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 – DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 – PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 – RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 – LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 – VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 – STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 – NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

29 – ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Northern Territory Divisional Branch.

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria or Tasmania shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania Divisional Branch.

30 – MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependent upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Northern Territory Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Northern Territory Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 – ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 – CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 – COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 – AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 – FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 – AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every financial year to and including the last day of December of each financial year. Such auditor shall also produce and certify a yearly balance sheet. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 – OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) Without affecting the term of office of persons holding office as Divisional Branch Officers in the QNTDB and the QBLDB immediately prior to the date of certification of this sub-rule, in the QNTDB the officers of the Divisional Branch shall, on and from 3 January 2014 and as a result of the merger of the QNTDB and the QBLDB, consist of the Divisional Branch President (which position shall be full-time), two (2) Divisional Branch Senior Vice-Presidents (which positions shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and two Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary, Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, 4 Divisional Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, a Divisional Branch Assistant Secretary, a Divisional Branch Senior Vice-President (FEDFA), a Divisional Branch Assistant Secretary (FEDFA), (both of which shall be paid, full-time positions), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

38 – DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary Divisional Branch Secretary/Treasurer Divisional Branch Assistant Secretary Divisional Branch President Divisional Branch Senior Vice-President and Vice President Divisional Branch Delegate to Divisional Conference	) 3 years' continuous financial membership
Divisional Branch Management Committee Member District Secretary/Organiser Organiser Sub-Branch Secretary, President, Or Management Committee Member Divisional Branch Trustee (South Australia and Queensland Builders Labourers' Divisional Branches)	) 1 year's continuous financial membership
Divisional Branch Councillor, representatives	) financial membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Returning Officer by notification in the union journal and the Divisional and relevant Divisional Branch website. Where a Divisional Branch printed journal is not scheduled for publication within two weeks of the opening of nominations then the website notification shall suffice. Alternatively, notice may be given to members by publication in one daily newspaper circulating in the Divisional Branch area on or before the last day of August in the year of the election.

Provided that such notifications shall clearly indicate that the Divisional Executive members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations must be lodged with the Returning Officer before the close of nominations at the address and by the methods specified on the notice of election. Nomination forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Returning Officer to fill any vacancy or vacancies the Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within one day of the closing of nominations, a certified list of financial members entitled to vote to the Returning Officer.

(n) The Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Returning Officer shall post to each member eligible to vote by pre-paid post all ballot papers. The ballot papers shall be posted to ensure eligible members receive them not less than 14 days before the closing of the ballot.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Returning Officer shall collect the returned ballot papers and keep them securely under their custody until the commencement of the count.

(s) The Returning Officer shall advise scrutineer/s of a secure space and location where the count shall occur. If the AEC is conducting the election, the counting of the ballot shall take place on AEC premises. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.

(u) (i) The Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post.

The Returning Officer's report to the Divisional Executive shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot.

They shall obey any directions given to them by the Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Returning Officer shall conduct an election in accordance with the rules, with any
necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 – PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 – SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Northern Territory Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.

Camden Zone: 3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.

Country Zone: 3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

The counties referred to in this sub-rule are as defined in accordance with the NSW lands administrative divisions.

(ii) (A) Without affecting the term of office of the Divisional Branch Council members of the QNTDB elected to office at the 2016 Divisional Branch elections, on and from the date of certification of this sub-rule, and thereafter, the Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) two (2) Divisional Branch Senior Vice-Presidents;
(iii) two (2) Divisional Branch Vice-Presidents;
(iv) the Divisional Branch Secretary;
(v) the Divisional Branch Assistant Secretaries;
(vi) two (2) Divisional Branch Executive Members;
(vii) 12 members on the Divisional Branch Council who shall be elected by and from the three sub-groups as follows:

(a) eight (8) Divisional Branch Council members who shall be elected by, and from, the members who reside in South East Queensland;

(b) three (3) Divisional Branch Council Members who shall be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) one(1) Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory, subject to the following:

1. in relation to the Divisional Branch President the:

a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one if the Divisional Branch President resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one if the Divisional Branch President resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one if the Divisional Branch President resides in the Northern Territory;

2. in relation to the Divisional Branch Senior Vice Presidents the:

a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in South East Queensland;

b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in the Northern Territory;

3. in relation to the Divisional Branch Vice Presidents the:

a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Vice President resides in South East Queensland;

b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Vice President resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one if a Divisional Branch Vice President resides in the Northern Territory;

4. in relation to the Divisional Branch Executive Members the:

a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Executive Member resides in South East Queensland;

b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Executive Member resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one or more if a Divisional Branch Executive Member resides in the Northern Territory;

The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, the Divisional Branch President, the Divisional Branch Senior Vice-Presidents and the Divisional Branch Vice Presidents shall, subject to this sub-rule, be elected by and from Members of the QNTDB, who are eligible to nominate and vote in accordance with these Rules.

The Divisional Branch President will be a full-time office.

The Divisional Branch Senior Vice Presidents, the Divisional Branch Vice Presidents and the Divisional Branch Executive Members shall, subject to this sub-rule, be elected by and from members of the QNTDB, who are eligible to nominate and vote in accordance with these rules.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the QNTDB, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the QNTDB, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Assistant Secretaries (General) shall be elected by and from all members of the QNTDB, who are eligible to nominate and vote.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Council may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

Further provided that each member of the Divisional Branch Executive of the QBLDB elected to office in 2012 who is not otherwise a member of the QNTDB Divisional Branch Council shall become a member of the QNTDB Divisional Branch Council and be entitled to so remain, subject to these rules, for the balance of the 2012-2016 term of office.

For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council; and

(s) Torres Strait & Torres Strait Regional Council.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset; and

(j) Sunshine Coast.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

(b) The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Returning Officer and a Deputy Returning Officer, who shall act in the absence of the Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Returning Officer shall hold office until a successor thereto is duly appointed. The Returning Officer shall have absolute control of any election or appointment.

(ii) The Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 – MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 – DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) For the quadrennial elections to be first held in 2012 and for all quadrennial elections thereafter in the Queensland Northern Territory Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. the Divisional Branch Assistant Secretaries; and

E. the Divisional Branch Executive Member.

On the commencement date in the QNTDB there shall be a Divisional Branch Executive which shall consist of the following:

A. Divisional Branch President;

B. two (2) Divisional Branch Senior Vice-Presidents;

C. Divisional Branch Vice-President (Construction Workers Divisional Branch);

D. Divisional Branch Secretary;

E. Divisional Branch Assistant Secretaries; and

F. two (2) Divisional Branch Executive Members.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Northern Territory Divisional Branch be taken so far as the context allows to be a reference to the Queensland Northern Territory Divisional Branch Executive established in accordance with this sub-rule.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) On and from 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A – DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

(i) In the Victoria-Tasmania Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA). Provided however that on and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B – DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

(i) On and from the date of certification of this sub-rule and until 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, there shall be a Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch, (Tasmania Sub-Branch), the members of which shall consist of the following persons who were, immediately prior to this rule taking effect, members of the Tasmanian Divisional Branch Management Committee:-

Name	Office Held within Tasmanian Divisional Branch	Office Held within Victoria-Tasmania Divisional Branch
Bill White	Divisional Branch Secretary	Sub-Branch Secretary
Dale Cracknell	Divisional Branch President	Sub-Branch President
Michael Van de Kamp	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Michael Norris	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Mick Huxley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Roy Smedley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Paul Rainey	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Dickie Post	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member

(ii) On and from 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(iii) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch. Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only. Further provided that the Victoria-Tasmania Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Tasmanian Divisional Branch and the Victorian Divisional Branch immediately prior to the certification of this sub-rule.

43 – DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In the New South Wales Divisional Branch the Victoria-Tasmania Divisional Branch and the QNTDB, the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 – DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 – DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the Divisional Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the Divisional Branch Assistant Secretary.

The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 – DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Branch Office, together with a statement of the assets and liabilities of the Divisional Branch Office for the financial year ending 31st December. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 – (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A – DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

48B – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E – DELETED

48F – DIVISIONAL BRANCH SENIOR VICE-PRESIDENTS/DIVISIONAL BRANCH VICE-PRESIDENTS (QUEENSLAND)

(i) This rule applies only in relation to the QNTDB and notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers.

(ii) In the QNTDB there shall be two Divisional Branch Senior Vice-Presidents one of whom shall, in the absence of the Divisional Branch President, preside at meetings of, or convened by, the Divisional Branch Council or Divisional Branch Executive. The Divisional Branch Executive will determine, for the purposes of this sub-rule, which of the Divisional Senior Vice-Presidents is to so act.

(iii) The Divisional Branch Senior Vice-Presidents in the QNTDB shall have such other duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

(iv) In the QNTDB there shall be two Divisional Branch Vice-Presidents one of whom being the Divisional Branch Vice-President of the QNTDB immediately prior to the commencement day, shall be designated Divisional Branch Vice-President (Construction Workers Divisional Branch).

(v) The Divisional Branch Vice-Presidents in the QNTDB shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

49 – FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 – DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 – REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 – DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 – MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 – PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 – APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 – DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 – SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 – VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 – ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 – TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 – FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 – CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 – RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 – STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 – INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 – DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 – REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 – SPECIAL RULES

(iA) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(iB) (a) The purpose of this rule is to provide for:

(i) the merger of the QNTDB with the QBLDB to constitute on commencement day, the QNTDB; and

(ii) the conduct of the first election for the offices of the QNTDB in the year 2016 ("the 2016 elections").

(b) This rule shall apply notwithstanding any other provision of these Divisional Rules.

(c) The provisions of this rule provide for the merger and shall take effect on, and from, either the 3rd January 2014 or the day after the General Manager of the Fair Work Commission certifies them, whichever is the later ("the commencement day").

(d) The QNTDB, and the members attached to it, shall comply with the provisions of this rule severally.

(e) On, and from, the commencement day, the QNTDB and the QBLDB shall be merged to form the Queensland-Northern Territory Divisional Branch.

(f) On commencement day the financial members of the QNTDB shall, despite rule 40(2)(ii)(C), be represented in the offices set out in column B by the persons holding the office set out in column A on the day immediately preceding the commencement day in respectively the QNTDB or the QBLDB:

A	B
Divisional Branch Secretary - QBLDB	Divisional Branch President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch President - QBLDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Assistant Secretary - QBLDB	Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch

Divisional Branch Vice President - QBLDB	Divisional Branch Vice President and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Trustees - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Treasurer - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Guardian - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Executive Members - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch President - QNTDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Vice-President - QNTDB	Divisional Branch Vice President (Construction Workers Divisional Branch) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Secretary - QNTDB	Divisional Branch Secretary Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Plasterers) - QNTDB	Divisional Branch Assistant Secretary (Plasterers) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Painters) - QNTDB	Divisional Branch Assistant Secretary (Painters) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch

Divisional Branch Assistant Secretary (General) - QNTDB	Divisional Branch Assistant Secretary (General) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Executive Member - QNTDB	Divisional Branch Executive Member and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (South East Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Regional Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Northern Territory) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch

and such persons as referred to in Column A herein shall, subject to these Divisional Rules, continue to hold the office in the merged Divisional Branch as described in Column B herein, until their successor takes office following the 2016 elections.

(h) The officers of the Divisional Branch Council of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Management Committee, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(i) The officers of the Divisional Branch Executive of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Executive, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive and who are by operation of these rules, members of the QNTDB Divisional Branch Executive on and from commencement day, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting.

(j) A member of the QNTDB, who becomes a member on, or following, the commencement day is liable to pay subscriptions and fees in accordance with these Divisional Rules.

(k) There shall be an inaugural meeting of the Divisional Branch Council of the QNTDB to be held within two (2) months of the commencement day.

(l) There shall be an inaugural meeting of the Divisional Branch Executive of the QNTDB to be held within one (1) month of the commencement day.

(m) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QBLDB contiguous with periods of financial membership with the QNTDB.

(n) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QCWDB contiguous with periods of financial membership with the QNTDB.

(o) At meetings of the Divisional Branch Council and Divisional Branch Executive of the QNTDB, quorum shall be as provided by rules 41(a) and 42(b) respectively provided however that for the purposes of quorum at least one (1) member must be a person who was a member of the QBLDB on the day immediately preceding amalgamation day and at least one (1) member must be a person who was a member of the QNTDB on the day immediately preceding amalgamation day.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

105N-BWIU: Incorporates alterations of 27 September 2018 [R2018/229]
(replaces rulebook dated 11 June 2018 [R2018/93])

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 79 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 – NAME

The name of the Division shall be "the Construction and General Division".

2 – ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 – DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

“commencement day” means the date provided by rule 69(iB)(c)

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"QBLDB" means the Queensland Builders Labourers Divisional Branch.

"QNTDB" means the Queensland Northern Territory Divisional Branch.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 – MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

(viii) Any person who, at the date of certification of this sub-rule, is a member of the Victorian Divisional Branch or the Tasmanian Divisional Branch shall be and become a member of the Victoria-Tasmania Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Tasmanian Divisional Branch or the Victorian Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania Divisional Branch. Further provided that the period of membership of the Victoria-Tasmania Divisional Branch shall be the same as that held by such members within the Victorian Divisional Branch or Tasmanian Divisional Branch, as the case may be.

(ix) Any person who, at the date of certification of this sub-rule, is a member of the QBLDB shall become a member of the QNTDB and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the QBLDB as at the date this rule takes effect shall become an amount owing to the QNTDB. Further provided that the period of membership of the QNTDB shall be the same as that held by such members within the QBLDB.

5 – ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 – CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 – SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 – SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

Provided that if at any time there is no longer an office of Divisional Branch Assistant Secretary (Plasterer) in the Australian Capital Territory Divisional Branch, the Divisional Branch Assistant Secretary of that Branch shall, by virtue of that office, be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate's proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viiA) Those members of the QNTDB and the QBLDB who held office as Divisional Conference Delegates on the day preceding the commencement day shall continue in office and be Divisional Conference Delegates for the QNTDB.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 – DIVISIONAL EXECUTIVE

1.A For the purpose of the quadrennial Divisional elections to be held in 2013 and thereafter, the Divisional Executive shall be composed of one (1) Divisional President, one (1) Divisional Senior Vice President, one (1) Divisional Vice President, one (1) Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, provided that in addition to the Divisional Executive members referred to in the immediately preceding paragraph, there shall be an additional Divisional Executive member for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch. For the purpose of this sub-rule the number of financial members shall be the number of such members as at 31 March in the year of the election. Such additional Divisional Executive members shall, notwithstanding sub-rule 2 herein, be nominated and elected by and from the Divisional Conference delegates from the relevant Divisional Branches to which those offices relate, such election to be conducted at the same time as the election of the Divisional Executive members referred to in the preceding paragraph.

Further provided that immediately following the declaration of the result of the election/ballot in accordance with sub-rules 7 or 11 herein, as the case may be, the Divisional Returning Officer shall call for nominations from the newly elected Divisional Executive members, other than the Divisional President, Divisional Senior Vice President, Divisional Secretary and Divisional Assistant Secretaries, for the office of Divisional Vice-President, and if necessary, conduct a ballot to determine that position.

2. Except for the filling of extraordinary vacancies and the office of Divisional Vice-President, the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. -The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1A hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

(c) For the avoidance of doubt, on and from the date of certification of this sub-rule 14(c), the provisions of this sub-rule 14 shall apply to the filling of any casual vacancy occurring in

the office of Senior Vice-President as a result of death, resignation, retirement, dismissal or for any other reason.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-President and Divisional Vice-President) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 – REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 – REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 – VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 – DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each financial year. Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 – FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 – AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each financial year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 – ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 – RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 – DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch)

Provided however that the operation of the Victoria-Tasmania Divisional Branch shall be reviewed by the Divisional Executive with a view to re-establishing separate Divisional Branches in the States of Victoria and Tasmania where, in the opinion of the Divisional Executive, the establishment of such separate Divisional Branches is in the interests of the members in those states and the Division as a whole. Such a review shall be completed within three (3) years of the declaration of the ballot for the Divisional Branch elections in 2012.

(ii) Notwithstanding any other rule to the contrary, the Divisional Branch President and the Divisional Branch Secretary of the former Tasmanian Divisional Branch shall upon the establishment of the Victoria-Tasmania Divisional Branch and until the declaration of the Divisional Branch elections in 2012, be and remain delegates to the Divisional Conference of the CFMEU, Construction and General Division.

(c) In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 – DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 – EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 – SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 – DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 – PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 – RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 – LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 – VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 – STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 – NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

29 – ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Northern Territory Divisional Branch.

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria or Tasmania shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania Divisional Branch.

30 – MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependent upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Northern Territory Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Northern Territory Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 – ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 – CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 – COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 – AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 – FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 – AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every financial year to and including the last day of December of each financial year. Such auditor shall also produce and certify a yearly balance sheet. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 – OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) Without affecting the term of office of persons holding office as Divisional Branch Officers in the QNTDB and the QBLDB immediately prior to the date of certification of this sub-rule, in the QNTDB the officers of the Divisional Branch shall, on and from 3 January 2014 and as a result of the merger of the QNTDB and the QBLDB, consist of the Divisional Branch President (which position shall be full-time), two (2) Divisional Branch Senior Vice-Presidents (which positions shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and two Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary, Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, 4 Divisional Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, a Divisional Branch Assistant Secretary, a Divisional Branch Senior Vice-President (FEDFA), a Divisional Branch Assistant Secretary (FEDFA), (both of which shall be paid, full-time positions), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

38 – DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary Divisional Branch Secretary/Treasurer Divisional Branch Assistant Secretary Divisional Branch President Divisional Branch Senior Vice-President and Vice President Divisional Branch Delegate to Divisional Conference	) 3 years' continuous financial membership
Divisional Branch Management Committee Member District Secretary/Organiser Organiser Sub-Branch Secretary, President, Or Management Committee Member Divisional Branch Trustee (South Australia and Queensland Builders Labourers' Divisional Branches)	) 1 year's continuous financial membership
Divisional Branch Councillor, representatives	) financial membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Returning Officer by notification in the union journal and the Divisional and relevant Divisional Branch website. Where a Divisional Branch printed journal is not scheduled for publication within two weeks of the opening of nominations then the website notification shall suffice. Alternatively, notice may be given to members by publication in one daily newspaper circulating in the Divisional Branch area on or before the last day of August in the year of the election.

Provided that such notifications shall clearly indicate that the Divisional Executive members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations must be lodged with the Returning Officer before the close of nominations at the address and by the methods specified on the notice of election. Nomination forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Returning Officer to fill any vacancy or vacancies the Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within one day of the closing of nominations, a certified list of financial members entitled to vote to the Returning Officer.

(n) The Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Returning Officer shall post to each member eligible to vote by pre-paid post all ballot papers. The ballot papers shall be posted to ensure eligible members receive them not less than 14 days before the closing of the ballot.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Returning Officer shall collect the returned ballot papers and keep them securely under their custody until the commencement of the count.

(s) The Returning Officer shall advise scrutineer/s of a secure space and location where the count shall occur. If the AEC is conducting the election, the counting of the ballot shall take place on AEC premises. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.

(u) (i) The Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post.

The Returning Officer's report to the Divisional Executive shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot.

They shall obey any directions given to them by the Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Returning Officer shall conduct an election in accordance with the rules, with any
necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 – PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 – SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Northern Territory Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.

Camden Zone: 3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.

Country Zone: 3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

The counties referred to in this sub-rule are as defined in accordance with the NSW lands administrative divisions.

(ii) (A) Without affecting the term of office of the Divisional Branch Council members of the QNTDB elected to office at the 2016 Divisional Branch elections, on and from the date of certification of this sub-rule, and thereafter, the Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) two (2) Divisional Branch Senior Vice-Presidents;
(iii) two (2) Divisional Branch Vice-Presidents;
(iv) the Divisional Branch Secretary;
(v) the Divisional Branch Assistant Secretaries;
(vi) two (2) Divisional Branch Executive Members;
(vii) 12 members on the Divisional Branch Council who shall be elected by and from the three sub-groups as follows:

(a) eight (8) Divisional Branch Council members who shall be elected by, and from, the members who reside in South East Queensland;

(b) three (3) Divisional Branch Council Members who shall be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) one(1) Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory, subject to the following:

1. in relation to the Divisional Branch President the:

a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one if the Divisional Branch President resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one if the Divisional Branch President resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one if the Divisional Branch President resides in the Northern Territory;

2. in relation to the Divisional Branch Senior Vice Presidents the:

a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in South East Queensland;

b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in the Northern Territory;

3. in relation to the Divisional Branch Vice Presidents the:

a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Vice President resides in South East Queensland;

b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Vice President resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one if a Divisional Branch Vice President resides in the Northern Territory;

4. in relation to the Divisional Branch Executive Members the:

a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Executive Member resides in South East Queensland;

b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Executive Member resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one or more if a Divisional Branch Executive Member resides in the Northern Territory;

The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, the Divisional Branch President, the Divisional Branch Senior Vice-Presidents and the Divisional Branch Vice Presidents shall, subject to this sub-rule, be elected by and from Members of the QNTDB, who are eligible to nominate and vote in accordance with these Rules.

The Divisional Branch President will be a full-time office.

The Divisional Branch Senior Vice Presidents, the Divisional Branch Vice Presidents and the Divisional Branch Executive Members shall, subject to this sub-rule, be elected by and from members of the QNTDB, who are eligible to nominate and vote in accordance with these rules.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the QNTDB, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the QNTDB, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Assistant Secretaries (General) shall be elected by and from all members of the QNTDB, who are eligible to nominate and vote.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Council may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

Further provided that each member of the Divisional Branch Executive of the QBLDB elected to office in 2012 who is not otherwise a member of the QNTDB Divisional Branch Council shall become a member of the QNTDB Divisional Branch Council and be entitled to so remain, subject to these rules, for the balance of the 2012-2016 term of office.

For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council; and

(s) Torres Strait & Torres Strait Regional Council.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset; and

(j) Sunshine Coast.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

(b) The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Returning Officer and a Deputy Returning Officer, who shall act in the absence of the Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Returning Officer shall hold office until a successor thereto is duly appointed. The Returning Officer shall have absolute control of any election or appointment.

(ii) The Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 – MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 – DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) For the quadrennial elections to be first held in 2012 and for all quadrennial elections thereafter in the Queensland Northern Territory Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. the Divisional Branch Assistant Secretaries; and

E. the Divisional Branch Executive Member.

On the commencement date in the QNTDB there shall be a Divisional Branch Executive which shall consist of the following:

A. Divisional Branch President;

B. two (2) Divisional Branch Senior Vice-Presidents;

C. Divisional Branch Vice-President (Construction Workers Divisional Branch);

D. Divisional Branch Secretary;

E. Divisional Branch Assistant Secretaries; and

F. two (2) Divisional Branch Executive Members.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Northern Territory Divisional Branch be taken so far as the context allows to be a reference to the Queensland Northern Territory Divisional Branch Executive established in accordance with this sub-rule.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) On and from 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A – DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

(i) In the Victoria-Tasmania Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA). Provided however that on and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B – DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

(i) On and from the date of certification of this sub-rule and until 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, there shall be a Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch, (Tasmania Sub-Branch), the members of which shall consist of the following persons who were, immediately prior to this rule taking effect, members of the Tasmanian Divisional Branch Management Committee:-

Name	Office Held within Tasmanian Divisional Branch	Office Held within Victoria-Tasmania Divisional Branch
Bill White	Divisional Branch Secretary	Sub-Branch Secretary
Dale Cracknell	Divisional Branch President	Sub-Branch President
Michael Van de Kamp	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Michael Norris	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Mick Huxley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Roy Smedley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Paul Rainey	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Dickie Post	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member

(ii) On and from 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(iii) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch. Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only. Further provided that the Victoria-Tasmania Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Tasmanian Divisional Branch and the Victorian Divisional Branch immediately prior to the certification of this sub-rule.

43 – DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In the New South Wales Divisional Branch the Victoria-Tasmania Divisional Branch and the QNTDB, the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 – DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 – DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the Divisional Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the Divisional Branch Assistant Secretary.

The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 – DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Branch Office, together with a statement of the assets and liabilities of the Divisional Branch Office for the financial year ending 31st December. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 – (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A – DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

48B – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E – DELETED

48F – DIVISIONAL BRANCH SENIOR VICE-PRESIDENTS/DIVISIONAL BRANCH VICE-PRESIDENTS (QUEENSLAND)

(i) This rule applies only in relation to the QNTDB and notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers.

(ii) In the QNTDB there shall be two Divisional Branch Senior Vice-Presidents one of whom shall, in the absence of the Divisional Branch President, preside at meetings of, or convened by, the Divisional Branch Council or Divisional Branch Executive. The Divisional Branch Executive will determine, for the purposes of this sub-rule, which of the Divisional Senior Vice-Presidents is to so act.

(iii) The Divisional Branch Senior Vice-Presidents in the QNTDB shall have such other duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

(iv) In the QNTDB there shall be two Divisional Branch Vice-Presidents one of whom being the Divisional Branch Vice-President of the QNTDB immediately prior to the commencement day, shall be designated Divisional Branch Vice-President (Construction Workers Divisional Branch).

(v) The Divisional Branch Vice-Presidents in the QNTDB shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

49 – FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 – DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 – REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 – DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 – MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 – PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 – APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 – DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 – SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 – VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 – ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 – TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 – FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 – CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 – RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 – STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 – INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 – DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 – REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 – SPECIAL RULES

(iA) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(iB) (a) The purpose of this rule is to provide for:

(i) the merger of the QNTDB with the QBLDB to constitute on commencement day, the QNTDB; and

(ii) the conduct of the first election for the offices of the QNTDB in the year 2016 ("the 2016 elections").

(b) This rule shall apply notwithstanding any other provision of these Divisional Rules.

(c) The provisions of this rule provide for the merger and shall take effect on, and from, either the 3rd January 2014 or the day after the General Manager of the Fair Work Commission certifies them, whichever is the later ("the commencement day").

(d) The QNTDB, and the members attached to it, shall comply with the provisions of this rule severally.

(e) On, and from, the commencement day, the QNTDB and the QBLDB shall be merged to form the Queensland-Northern Territory Divisional Branch.

(f) On commencement day the financial members of the QNTDB shall, despite rule 40(2)(ii)(C), be represented in the offices set out in column B by the persons holding the office set out in column A on the day immediately preceding the commencement day in respectively the QNTDB or the QBLDB:

A	B
Divisional Branch Secretary - QBLDB	Divisional Branch President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch President - QBLDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Assistant Secretary - QBLDB	Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch

Divisional Branch Vice President - QBLDB	Divisional Branch Vice President and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Trustees - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Treasurer - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Guardian - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Executive Members - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch President - QNTDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Vice-President - QNTDB	Divisional Branch Vice President (Construction Workers Divisional Branch) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Secretary - QNTDB	Divisional Branch Secretary Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Plasterers) - QNTDB	Divisional Branch Assistant Secretary (Plasterers) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Painters) - QNTDB	Divisional Branch Assistant Secretary (Painters) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch

Divisional Branch Assistant Secretary (General) - QNTDB	Divisional Branch Assistant Secretary (General) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Executive Member - QNTDB	Divisional Branch Executive Member and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (South East Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Regional Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Northern Territory) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch

and such persons as referred to in Column A herein shall, subject to these Divisional Rules, continue to hold the office in the merged Divisional Branch as described in Column B herein, until their successor takes office following the 2016 elections.

(h) The officers of the Divisional Branch Council of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Management Committee, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(i) The officers of the Divisional Branch Executive of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Executive, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive and who are by operation of these rules, members of the QNTDB Divisional Branch Executive on and from commencement day, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting.

(j) A member of the QNTDB, who becomes a member on, or following, the commencement day is liable to pay subscriptions and fees in accordance with these Divisional Rules.

(k) There shall be an inaugural meeting of the Divisional Branch Council of the QNTDB to be held within two (2) months of the commencement day.

(l) There shall be an inaugural meeting of the Divisional Branch Executive of the QNTDB to be held within one (1) month of the commencement day.

(m) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QBLDB contiguous with periods of financial membership with the QNTDB.

(n) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QCWDB contiguous with periods of financial membership with the QNTDB.

(o) At meetings of the Divisional Branch Council and Divisional Branch Executive of the QNTDB, quorum shall be as provided by rules 41(a) and 42(b) respectively provided however that for the purposes of quorum at least one (1) member must be a person who was a member of the QBLDB on the day immediately preceding amalgamation day and at least one (1) member must be a person who was a member of the QNTDB on the day immediately preceding amalgamation day.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

105N-BWIU: Incorporates alterations of 19 November 2018 [R2018/268]
(replaces rulebook dated 27 September 2018 [R2018/229])

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 79 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 – NAME

The name of the Division shall be "the Construction and General Division".

2 – ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 – DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

“commencement day” means the date provided by rule 69(iB)(c)

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"QBLDB" means the Queensland Builders Labourers Divisional Branch.

"QNTDB" means the Queensland Northern Territory Divisional Branch.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 – MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

(viii) Any person who, at the date of certification of this sub-rule, is a member of the Victorian Divisional Branch or the Tasmanian Divisional Branch shall be and become a member of the Victoria-Tasmania Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Tasmanian Divisional Branch or the Victorian Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania Divisional Branch. Further provided that the period of membership of the Victoria-Tasmania Divisional Branch shall be the same as that held by such members within the Victorian Divisional Branch or Tasmanian Divisional Branch, as the case may be.

(ix) Any person who, at the date of certification of this sub-rule, is a member of the QBLDB shall become a member of the QNTDB and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the QBLDB as at the date this rule takes effect shall become an amount owing to the QNTDB. Further provided that the period of membership of the QNTDB shall be the same as that held by such members within the QBLDB.

5 – ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 – CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 – SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 – SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

Provided that if at any time there is no longer an office of Divisional Branch Assistant Secretary (Plasterer) in the Australian Capital Territory Divisional Branch, the Divisional Branch Assistant Secretary of that Branch shall, by virtue of that office, be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate's proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viiA) Those members of the QNTDB and the QBLDB who held office as Divisional Conference Delegates on the day preceding the commencement day shall continue in office and be Divisional Conference Delegates for the QNTDB.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 – DIVISIONAL EXECUTIVE

1.A For the purpose of the quadrennial Divisional elections to be held in 2013 and thereafter, the Divisional Executive shall be composed of one (1) Divisional President, one (1) Divisional Senior Vice President, one (1) Divisional Vice President, one (1) Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, provided that in addition to the Divisional Executive members referred to in the immediately preceding paragraph, there shall be an additional Divisional Executive member for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch. For the purpose of this sub-rule the number of financial members shall be the number of such members as at 31 March in the year of the election. Such additional Divisional Executive members shall, notwithstanding sub-rule 2 herein, be nominated and elected by and from the Divisional Conference delegates from the relevant Divisional Branches to which those offices relate, such election to be conducted at the same time as the election of the Divisional Executive members referred to in the preceding paragraph.

Further provided that immediately following the declaration of the result of the election/ballot in accordance with sub-rules 7 or 11 herein, as the case may be, the Divisional Returning Officer shall call for nominations from the newly elected Divisional Executive members, other than the Divisional President, Divisional Senior Vice President, Divisional Secretary and Divisional Assistant Secretaries, for the office of Divisional Vice-President, and if necessary, conduct a ballot to determine that position.

2. Except for the filling of extraordinary vacancies and the office of Divisional Vice-President, the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. -The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1A hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

(c) For the avoidance of doubt, on and from the date of certification of this sub-rule 14(c), the provisions of this sub-rule 14 shall apply to the filling of any casual vacancy occurring in

the office of Senior Vice-President as a result of death, resignation, retirement, dismissal or for any other reason.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-President and Divisional Vice-President) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 – REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 – REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 – VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 – DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each financial year. Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 – FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 – AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each financial year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 – ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 – RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 – DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch)

Provided however that the operation of the Victoria-Tasmania Divisional Branch shall be reviewed by the Divisional Executive with a view to re-establishing separate Divisional Branches in the States of Victoria and Tasmania where, in the opinion of the Divisional Executive, the establishment of such separate Divisional Branches is in the interests of the members in those states and the Division as a whole. Such a review shall be completed within three (3) years of the declaration of the ballot for the Divisional Branch elections in 2012.

(ii) Notwithstanding any other rule to the contrary, the Divisional Branch President and the Divisional Branch Secretary of the former Tasmanian Divisional Branch shall upon the establishment of the Victoria-Tasmania Divisional Branch and until the declaration of the Divisional Branch elections in 2012, be and remain delegates to the Divisional Conference of the CFMEU, Construction and General Division.

(c) In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 – DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 – EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 – SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 – DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 – PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 – RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 – LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 – VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 – STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 – NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

29 – ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Northern Territory Divisional Branch.

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria or Tasmania shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania Divisional Branch.

30 – MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependent upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Northern Territory Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Northern Territory Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 – ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 – CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 – COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 – AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 – FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 – AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every financial year to and including the last day of December of each financial year. Such auditor shall also produce and certify a yearly balance sheet. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 – OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) Without affecting the term of office of persons holding office as Divisional Branch Officers in the QNTDB and the QBLDB immediately prior to the date of certification of this sub-rule, in the QNTDB the officers of the Divisional Branch shall, on and from 3 January 2014 and as a result of the merger of the QNTDB and the QBLDB, consist of the Divisional Branch President (which position shall be full-time), two (2) Divisional Branch Senior Vice-Presidents (which positions shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and two Divisional Branch Executive Members, together with such Organisers as the Divisional Branch Executive may from time to time determine.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary, Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, 4 Divisional Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, a Divisional Branch Assistant Secretary, a Divisional Branch Senior Vice-President (FEDFA), a Divisional Branch Assistant Secretary (FEDFA), (both of which shall be paid, full-time positions), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

38 – DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(iA) In relation to the South Australian Divisional Branch only, subrules (a)(i)(B) and (C) and the scale in sub-rule (a)(vi) will not apply to the filling of any casual vacancy that exists at the time of this rule change, or to any casual vacancy that may arise prior to nominations being called for the Divisional Branch election to be held in 2020.

For the avoidance of doubt, a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, and will be filled in accordance with r38(cc).

Further, in relation to the South Australian Divisional Branch only, the offices which are identified in sub-rule (a)(vi) which require 3 years' continuous financial membership of the Branch will only require 1 year's continuous financial membership for the purposes of eligibility in the Divisional Branch election to be held in 2020 only.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Returning Officer shall seek from the member an election as to which position the member wishes to contest.
Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	)
Divisional Branch President	) 3 years'
Divisional Branch Senior Vice-	) continuous financial
President and Vice President	) membership
Divisional Branch Delegate to	)
Divisional Conference	)

Divisional Branch Management	)
Committee Member	) 1 year's
District Secretary/Organiser	) continuous financial
Organiser	) membership
Sub-Branch Secretary, President,	)
Or Management Committee Member	)
Divisional Branch Trustee (South	)
Australia and Queensland Builders	)
Labourers' Divisional Branches)	)

Divisional Branch Councillor,	) financial
representatives	) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Returning Officer by notification in the union journal and the Divisional and relevant Divisional Branch website. Where a Divisional Branch printed journal is not scheduled for publication within two weeks of the opening of nominations then the website notification shall suffice. Alternatively, notice may be given to members by publication in one daily newspaper circulating in the Divisional Branch area on or before the last day of August in the year of the election.

Provided that such notifications shall clearly indicate that the Divisional Executive members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations must be lodged with the Returning Officer before the close of nominations at the address and by the methods specified on the notice of election. Nomination forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Returning Officer to fill any vacancy or vacancies the Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within one day of the closing of nominations, a certified list of financial members entitled to vote to the Returning Officer.

(n) The Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Returning Officer shall post to each member eligible to vote by pre-paid post all ballot papers. The ballot papers shall be posted to ensure eligible members receive them not less than 14 days before the closing of the ballot.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Returning Officer shall collect the returned ballot papers and keep them securely under their custody until the commencement of the count.

(s) The Returning Officer shall advise scrutineer/s of a secure space and location where the count shall occur. If the AEC is conducting the election, the counting of the ballot shall take place on AEC premises. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.

(u) (i) The Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post.

The Returning Officer's report to the Divisional Executive shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot.

They shall obey any directions given to them by the Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Returning Officer shall conduct an election in accordance with the rules, with any
necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 – PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 – SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Northern Territory Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.

Camden Zone: 3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.

Country Zone: 3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

The counties referred to in this sub-rule are as defined in accordance with the NSW lands administrative divisions.

(ii) (A) Without affecting the term of office of the Divisional Branch Council members of the QNTDB elected to office at the 2016 Divisional Branch elections, on and from the date of certification of this sub-rule, and thereafter, the Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) two (2) Divisional Branch Senior Vice-Presidents;
(iii) two (2) Divisional Branch Vice-Presidents;
(iv) the Divisional Branch Secretary;
(v) the Divisional Branch Assistant Secretaries;
(vi) two (2) Divisional Branch Executive Members;
(vii) 12 members on the Divisional Branch Council who shall be elected by and from the three sub-groups as follows:

(a) eight (8) Divisional Branch Council members who shall be elected by, and from, the members who reside in South East Queensland;

(b) three (3) Divisional Branch Council Members who shall be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) one(1) Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory, subject to the following:

1. in relation to the Divisional Branch President the:

a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one if the Divisional Branch President resides in South East Queensland;

b. that the number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one if the Divisional Branch President resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one if the Divisional Branch President resides in the Northern Territory;

2. in relation to the Divisional Branch Senior Vice Presidents the:

a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in South East Queensland;

b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one or more if a Divisional Branch Senior Vice President resides in the Northern Territory;

3. in relation to the Divisional Branch Vice Presidents the:

a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Vice President resides in South East Queensland;

b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Vice President resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one if a Divisional Branch Vice President resides in the Northern Territory;

4. in relation to the Divisional Branch Executive Members the:

a. number of Divisional Branch Council members elected from (vii)(a) is to be reduced by one or more if a Divisional Branch Executive Member resides in South East Queensland;

b. number of Divisional Branch Council members elected from (vii)(b) is to be reduced by one or more if a Divisional Branch Executive Member resides in Regional Queensland;

c. number of Divisional Branch Council members elected from (vii)(c) is to be reduced by one or more if a Divisional Branch Executive Member resides in the Northern Territory;

The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, the Divisional Branch President, the Divisional Branch Senior Vice-Presidents and the Divisional Branch Vice Presidents shall, subject to this sub-rule, be elected by and from Members of the QNTDB, who are eligible to nominate and vote in accordance with these Rules.

The Divisional Branch President will be a full-time office.

The Divisional Branch Senior Vice Presidents, the Divisional Branch Vice Presidents and the Divisional Branch Executive Members shall, subject to this sub-rule, be elected by and from members of the QNTDB, who are eligible to nominate and vote in accordance with these rules.

The Divisional Branch Assistant Secretary (Painters) (if any) shall be elected by and from all members of the QNTDB, who are eligible by virtue of National Rule 2(A)(b) to nominate and vote.

The Divisional Branch Assistant Secretary (Plasterers) shall be elected by and from all members of the QNTDB, who are eligible by virtue of National Rule 2(A)(a)(ii) to nominate and vote.

The Divisional Branch Assistant Secretaries (General) shall be elected by and from all members of the QNTDB, who are eligible to nominate and vote.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

Provided that where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Council may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

Further provided that each member of the Divisional Branch Executive of the QBLDB elected to office in 2012 who is not otherwise a member of the QNTDB Divisional Branch Council shall become a member of the QNTDB Divisional Branch Council and be entitled to so remain, subject to these rules, for the balance of the 2012-2016 term of office.

For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council; and

(s) Torres Strait & Torres Strait Regional Council.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset; and

(j) Sunshine Coast.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

(b) The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Returning Officer and a Deputy Returning Officer, who shall act in the absence of the Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Returning Officer shall hold office until a successor thereto is duly appointed. The Returning Officer shall have absolute control of any election or appointment.

(ii) The Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 – MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 – DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) For the quadrennial elections to be first held in 2012 and for all quadrennial elections thereafter in the Queensland Northern Territory Divisional Branch, there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. the Divisional Branch Vice-President;

C. the Divisional Branch Secretary;

D. the Divisional Branch Assistant Secretaries; and

E. the Divisional Branch Executive Member.

On the commencement date in the QNTDB there shall be a Divisional Branch Executive which shall consist of the following:

A. Divisional Branch President;

B. two (2) Divisional Branch Senior Vice-Presidents;

C. Divisional Branch Vice-President (Construction Workers Divisional Branch);

D. Divisional Branch Secretary;

E. Divisional Branch Assistant Secretaries; and

F. two (2) Divisional Branch Executive Members.

Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Northern Territory Divisional Branch be taken so far as the context allows to be a reference to the Queensland Northern Territory Divisional Branch Executive established in accordance with this sub-rule.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) On and from 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A – DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

(i) In the Victoria-Tasmania Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA). Provided however that on and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B – DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

(i) On and from the date of certification of this sub-rule and until 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, there shall be a Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch, (Tasmania Sub-Branch), the members of which shall consist of the following persons who were, immediately prior to this rule taking effect, members of the Tasmanian Divisional Branch Management Committee:-

Name	Office Held within Tasmanian Divisional Branch	Office Held within Victoria-Tasmania Divisional Branch
Bill White	Divisional Branch Secretary	Sub-Branch Secretary
Dale Cracknell	Divisional Branch President	Sub-Branch President
Michael Van de Kamp	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Michael Norris	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Mick Huxley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Roy Smedley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Paul Rainey	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Dickie Post	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member

(ii) On and from 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(iii) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch. Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only. Further provided that the Victoria-Tasmania Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Tasmanian Divisional Branch and the Victorian Divisional Branch immediately prior to the certification of this sub-rule.

43 – DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In the New South Wales Divisional Branch the Victoria-Tasmania Divisional Branch and the QNTDB, the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 – DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 – DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the Divisional Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the Divisional Branch Assistant Secretary.

The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 – DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Branch Office, together with a statement of the assets and liabilities of the Divisional Branch Office for the financial year ending 31st December. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary. Further provided that in the case of the Queensland Builders Labourers Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretary, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 – (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A – DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

48B – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E – DELETED

48F – DIVISIONAL BRANCH SENIOR VICE-PRESIDENTS/DIVISIONAL BRANCH VICE-PRESIDENTS (QUEENSLAND)

(i) This rule applies only in relation to the QNTDB and notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers.

(ii) In the QNTDB there shall be two Divisional Branch Senior Vice-Presidents one of whom shall, in the absence of the Divisional Branch President, preside at meetings of, or convened by, the Divisional Branch Council or Divisional Branch Executive. The Divisional Branch Executive will determine, for the purposes of this sub-rule, which of the Divisional Senior Vice-Presidents is to so act.

(iii) The Divisional Branch Senior Vice-Presidents in the QNTDB shall have such other duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

(iv) In the QNTDB there shall be two Divisional Branch Vice-Presidents one of whom being the Divisional Branch Vice-President of the QNTDB immediately prior to the commencement day, shall be designated Divisional Branch Vice-President (Construction Workers Divisional Branch).

(v) The Divisional Branch Vice-Presidents in the QNTDB shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

49 – FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 – DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 – REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 – DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 – MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 – PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 – APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 – DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 – SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 – VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 – ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 – TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 – FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 – CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 – RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 – STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 – INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 – DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 – REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 – SPECIAL RULES

(iA) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elected to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(iB) (a) The purpose of this rule is to provide for:

(i) the merger of the QNTDB with the QBLDB to constitute on commencement day, the QNTDB; and

(ii) the conduct of the first election for the offices of the QNTDB in the year 2016 ("the 2016 elections").

(b) This rule shall apply notwithstanding any other provision of these Divisional Rules.

(c) The provisions of this rule provide for the merger and shall take effect on, and from, either the 3rd January 2014 or the day after the General Manager of the Fair Work Commission certifies them, whichever is the later ("the commencement day").

(d) The QNTDB, and the members attached to it, shall comply with the provisions of this rule severally.

(e) On, and from, the commencement day, the QNTDB and the QBLDB shall be merged to form the Queensland-Northern Territory Divisional Branch.

(f) On commencement day the financial members of the QNTDB shall, despite rule 40(2)(ii)(C), be represented in the offices set out in column B by the persons holding the office set out in column A on the day immediately preceding the commencement day in respectively the QNTDB or the QBLDB:

A	B
Divisional Branch Secretary - QBLDB	Divisional Branch President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch President - QBLDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Assistant Secretary - QBLDB	Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch

Divisional Branch Vice President - QBLDB	Divisional Branch Vice President and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Trustees - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Treasurer - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Guardian - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Executive Members - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch President - QNTDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Vice-President - QNTDB	Divisional Branch Vice President (Construction Workers Divisional Branch) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Secretary - QNTDB	Divisional Branch Secretary Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Plasterers) - QNTDB	Divisional Branch Assistant Secretary (Plasterers) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Painters) - QNTDB	Divisional Branch Assistant Secretary (Painters) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch

Divisional Branch Assistant Secretary (General) - QNTDB	Divisional Branch Assistant Secretary (General) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Executive Member - QNTDB	Divisional Branch Executive Member and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (South East Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Regional Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Northern Territory) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch

and such persons as referred to in Column A herein shall, subject to these Divisional Rules, continue to hold the office in the merged Divisional Branch as described in Column B herein, until their successor takes office following the 2016 elections.

(h) The officers of the Divisional Branch Council of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Management Committee, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(i) The officers of the Divisional Branch Executive of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Executive, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive and who are by operation of these rules, members of the QNTDB Divisional Branch Executive on and from commencement day, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting.

(j) A member of the QNTDB, who becomes a member on, or following, the commencement day is liable to pay subscriptions and fees in accordance with these Divisional Rules.

(k) There shall be an inaugural meeting of the Divisional Branch Council of the QNTDB to be held within two (2) months of the commencement day.

(l) There shall be an inaugural meeting of the Divisional Branch Executive of the QNTDB to be held within one (1) month of the commencement day.

(m) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QBLDB contiguous with periods of financial membership with the QNTDB.

(n) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QCWDB contiguous with periods of financial membership with the QNTDB.

(o) At meetings of the Divisional Branch Council and Divisional Branch Executive of the QNTDB, quorum shall be as provided by rules 41(a) and 42(b) respectively provided however that for the purposes of quorum at least one (1) member must be a person who was a member of the QBLDB on the day immediately preceding amalgamation day and at least one (1) member must be a person who was a member of the QNTDB on the day immediately preceding amalgamation day.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

105N-BWIU: Incorporates alterations of 22 May 2020 [R2020/50]
(replaces rulebook dated 19 November 2018 [R2018/268])

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 78 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 – NAME

The name of the Division shall be "the Construction and General Division".

2 – ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 – DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

“commencement day” means the date provided by rule 69(iB)(c)

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“QBLDB” means the Queensland Builders Labourers Divisional Branch.

“QNTDB” means the Queensland Northern Territory Divisional Branch.

“UNFINANCIAL DIVISIONAL BRANCH” shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 – MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

(viii) Any person who, at the date of certification of this sub-rule, is a member of the Victorian Divisional Branch or the Tasmanian Divisional Branch shall be and become a member of the Victoria-Tasmania Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Tasmanian Divisional Branch or the Victorian Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania Divisional Branch. Further provided that the period of membership of the Victoria-Tasmania Divisional Branch shall be the same as that held by such members within the Victorian Divisional Branch or Tasmanian Divisional Branch, as the case may be.

(ix) Any person who, at the date of certification of this sub-rule, is a member of the QBLDB shall become a member of the QNTDB and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the QBLDB as at the date this rule takes effect shall become an amount owing to the QNTDB. Further provided that the period of membership of the QNTDB shall be the same as that held by such members within the QBLDB.

5 – ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 – CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 – SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 – SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

Provided that if at any time there is no longer an office of Divisional Branch Assistant Secretary (Plasterer) in the Australian Capital Territory Divisional Branch, the Divisional Branch Assistant Secretary of that Branch shall, by virtue of that office, be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viiA) Those members of the QNTDB and the QBLDB who held office as Divisional Conference Delegates on the day preceding the commencement day shall continue in office and be Divisional Conference Delegates for the QNTDB.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 – DIVISIONAL EXECUTIVE

1.A For the purpose of the quadrennial Divisional elections to be held in 2013 and thereafter, the Divisional Executive shall be composed of one (1) Divisional President, one (1) Divisional Senior Vice President, one (1) Divisional Vice President, one (1) Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, provided that in addition to the Divisional Executive members referred to in the immediately preceding paragraph, there shall be an additional Divisional Executive member for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch. For the purpose of this sub-rule the number of financial members shall be the number of such members as at 31 March in the year of the election. Such additional Divisional Executive members shall, notwithstanding sub-rule 2 herein, be nominated and elected by and from the Divisional Conference delegates from the relevant Divisional Branches to which those offices relate, such election to be conducted at the same time as the election of the Divisional Executive members referred to in the preceding paragraph.

Further provided that immediately following the declaration of the result of the election/ballot in accordance with sub-rules 7 or 11 herein, as the case may be, the Divisional Returning Officer shall call for nominations from the newly elected Divisional Executive members, other than the Divisional President, Divisional Senior Vice President, Divisional Secretary and Divisional Assistant Secretaries, for the office of Divisional Vice-President, and if necessary, conduct a ballot to determine that position.

2. Except for the filling of extraordinary vacancies and the office of Divisional Vice-President, the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. -The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1A hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer

shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

(c) For the avoidance of doubt, on and from the date of certification of this sub-rule 14(c), the provisions of this sub-rule 14 shall apply to the filling of any casual vacancy occurring in the office of Senior Vice-President as a result of death, resignation, retirement, dismissal or for any other reason.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-President and Divisional Vice-President) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled

to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 – REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 – REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 – VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 – DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each financial year. Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 – FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 – AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each financial year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 – ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 – RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 – DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch)

Provided however that the operation of the Victoria-Tasmania Divisional Branch shall be reviewed by the Divisional Executive with a view to re-establishing separate Divisional Branches in the States of Victoria and Tasmania where, in the opinion of the Divisional Executive, the establishment of such separate Divisional Branches is in the interests of the members in those states and the Division as a whole. Such a review shall be completed within three (3) years of the declaration of the ballot for the Divisional Branch elections in 2012.

(ii) Notwithstanding any other rule to the contrary, the Divisional Branch President and the Divisional Branch Secretary of the former Tasmanian Divisional Branch shall upon the establishment of the Victoria-Tasmania Divisional Branch and until the declaration of the Divisional Branch elections in 2012, be and remain delegates to the Divisional Conference of the CFMEU, Construction and General Division.

(c) In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 – DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 – EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 – SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 – DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 – PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 – RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 – LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 – VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 – STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 – NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

29 – ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Northern Territory Divisional Branch.

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria or Tasmania shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania Divisional Branch.

30 – MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependent upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Northern Territory Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Northern Territory Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 – ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 – CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 – COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 – AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 – FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 – AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every financial year to and including the last day of December of each financial year. Such auditor shall also produce and certify a yearly balance sheet. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 – OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) Without affecting the term of office of persons holding office as Divisional Branch Officers in the QNTDB and the QBLDB immediately prior to the date of certification of this sub-rule, in the QNTDB the officers of the Divisional Branch shall, on and from 3 January 2014 and as a result of the merger of the QNTDB and the QBLDB, consist of the Divisional Branch President, two (2) Divisional Branch Senior Vice-Presidents (which positions shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and two Divisional Branch Executive Members.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary, Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, 4 Divisional Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, a Divisional Branch Assistant Secretary, a Divisional Branch Senior Vice-President (FEDFA), a Divisional Branch Assistant Secretary (FEDFA), (both of which shall be paid, full-time positions), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

38 – DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(iA) In relation to the South Australian Divisional Branch only, subrules (a)(i)(B) and (C) and the scale in sub-rule (a)(vi) will not apply to the filling of any casual vacancy that exists at the time of this rule change, or to any casual vacancy that may arise prior to nominations being called for the Divisional Branch election to be held in 2020.

For the avoidance of doubt, a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, and will be filled in accordance with r38(cc).

Further, in relation to the South Australian Divisional Branch only, the offices which are identified in sub-rule (a)(vi) which require 3 years' continuous financial membership of the Branch will only require 1 year's continuous financial membership for the purposes of eligibility in the Divisional Branch election to be held in 2020 only.

Further, for the purposes of the Divisional Branch elections to be held in 2020 for the South Australian Divisional Branch only:

(i) for the purposes of subrules (a)(i)(B) and (a)(vi), 1 years continuous financial membership may be of any Divisional Branch (including, but not limited to, the South Australian Divisional Branch) including continuous financial membership of more than one Divisional Branch; and

(ii) for the purposes of sub-rule (a)(i)(C)(i), a person will be eligible if they have been engaged as an officer (as defined in rule 37), or as an employee, of any Divisional Branch (or in any state registered counterpart organisation thereto) including, but not limited to, the South Australian Divisional Branch.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Returning Officer shall seek from the member an election as to which position the member wishes to contest.
Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	)
Divisional Branch President	) 3 years'
Divisional Branch Senior Vice-	) continuous financial
President and Vice President	) membership
Divisional Branch Delegate to	)
Divisional Conference	)

Divisional Branch Management	)
Committee Member	) 1 year's
District Secretary/Organiser	) continuous financial
Organiser	) membership
Sub-Branch Secretary, President,	)
Or Management Committee Member	)
Divisional Branch Trustee (South	)
Australia and Queensland Builders	)
Labourers' Divisional Branches)	)

Divisional Branch Councillor,	) financial
representatives	) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Returning Officer by notification in the union journal and the Divisional and relevant Divisional Branch website. Where a Divisional Branch printed journal is not scheduled for publication within two weeks of the opening of

nominations then the website notification shall suffice. Alternatively, notice may be given to members by publication in one daily newspaper circulating in the Divisional Branch area on or before the last day of August in the year of the election.

Provided that such notifications shall clearly indicate that the Divisional Executive members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations must be lodged with the Returning Officer before the close of nominations at the address and by the methods specified on the notice of election. Nomination forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Returning Officer to fill any vacancy or vacancies the Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within one day of the closing of nominations, a certified list of financial members entitled to vote to the Returning Officer.

(n) The Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Returning Officer shall post to each member eligible to vote by pre-paid post all ballot papers. The ballot papers shall be posted to ensure eligible members receive them not less than 14 days before the closing of the ballot.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Returning Officer shall collect the returned ballot papers and keep them securely under their custody until the commencement of the count.

(s) The Returning Officer shall advise scrutineer/s of a secure space and location where the count shall occur. If the AEC is conducting the election, the counting of the ballot shall take place on AEC premises. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.

(u) (i) The Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post.

The Returning Officer's report to the Divisional Executive shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot.

They shall obey any directions given to them by the Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Returning Officer shall conduct an election in accordance with the rules, with any
necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 – PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 – SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Northern Territory Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.

Camden Zone: 3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.

Country Zone: 3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

The counties referred to in this sub-rule are as defined in accordance with the NSW lands administrative divisions.

(ii) (A) Without affecting the term of office of the Divisional Branch Council members of the QNTDB elected to office at the 2016 Divisional Branch elections, on and from the date of certification of this sub-rule, and thereafter, the Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) two (2) Divisional Branch Senior Vice-Presidents;
(iii) two (2) Divisional Branch Vice-Presidents;
(iv) the Divisional Branch Secretary;
(v) the Divisional Branch Assistant Secretaries;
(vi) two (2) Divisional Branch Executive Members;
(vii) 12 members on the Divisional Branch Council who shall be elected by and from the three sub-groups as follows:

(a) eight (8) Divisional Branch Council members who shall be elected by, and from, the members who reside in South East Queensland;

(b) three (3) Divisional Branch Council Members who shall be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) one(1) Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory, subject to the:

1. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) if the Divisional Branch President resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) if the Divisional Branch President resides in Regional Queensland;

c. under paragraph (vii)(c) being reduced by one (1) if the Divisional Branch President resides in the Northern Territory;

2. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) or more if one (1) or more of the Divisional Branch Senior Vice Presidents resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) or more if one (1) or more of the Divisional Branch Senior Vice Presidents resides in Regional Queensland; and/or

c. under paragraph (vii)(c) being reduced by one (1) if a Divisional Branch Senior Vice President resides in the Northern Territory;

3. number of Divisional Branch Executive Member/s elected:

a. under paragraph(vii)(a) being reduced by one (1) or more if one (1) or more of the Divisional Branch Executive Members resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) or more if one (1) or more of the Divisional Branch Executive Members resides in Regional Queensland; and/or

c. under paragraph (vii)(c) being reduced by one (1) or more if a Divisional Branch Executive Member resides in the Northern Territory;

(B) The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, the Divisional Branch President and the Divisional Branch Senior Vice-Presidents shall, subject to this sub-rule, be elected by and from Members of the QNTDB, who are eligible to nominate and vote in accordance with these Rules.

(C) The Divisional Branch Council may, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine whether the office of Divisional Branch President is to be held on an honorary or full-time basis following the quadrennial election, provided that for the purposes of the quadrennial election to be held in 2020, the office of Divisional Branch President is to be honorary.

(D) The Divisional Branch Senior Vice Presidents and the Divisional Branch Executive Members shall, subject to this sub-rule, be elected by and from members of the QNTDB, who are eligible to nominate and vote in accordance with these rules.

(E) The Divisional Branch Assistant Secretary (Painters) (if any) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, the members of the QNTDB, who are eligible for membership under National Rule 2(A)(b) and entitled to vote.

(F) The Divisional Branch Assistant Secretary (Plasterers) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, the members of the QNTDB, who are eligible for membership under National Rule 2(A)(a)(ii) and entitled to vote.

(G) The Divisional Branch Assistant Secretaries (General) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, all members of the QNTDB, who are entitled to vote.

(H) The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

(I) The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

(J) The Divisional Branch Council will, at its first meeting held following a quadrennial election, elect from its members two (2) Divisional Branch Vice-Presidents and:

(i) the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9; and

(ii) Divisional Branch Vice-Presidents will not, apart from holding the office of Divisional Branch Council Member, hold any other office in the QNTDB.

(K) Despite sub-rule (I):

(i) the Divisional Branch Council may determine that a full time office of Divisional Branch Assistant Secretary will, with the consent of the incumbent in that office, revert to an honorary office; and

(ii) where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Executive may, prior to filling the vacancy pursuant to these Rules, resolve whether the office will be abolished or whether it is to be filled on an honorary or full-time basis.

(L) Despite sub-rule (C):

(i) the Divisional Branch Council may determine that a full time office of Divisional Branch President will, with the consent of the incumbent in that office, revert to an honorary office; and

(ii) where a casual vacancy arises in an office of Divisional Branch President, the Divisional Branch Executive may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(M) For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council;

(s) Torres Strait & Torres Strait Regional Council;

(t) Shire of Mareeba; and

(u) Shire of Douglas.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Noosa;

(h) Redland;

(i) Scenic Rim;

(j) Somerset; and

(k) Sunshine Coast.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

(b) The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Returning Officer and a Deputy Returning Officer, who shall act in the absence of the Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Returning Officer shall hold office until a successor thereto is duly appointed. The Returning Officer shall have absolute control of any election or appointment.

(ii) The Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 – MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 – DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) (A) In the QNTDB there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. two (2) Divisional Branch Senior Vice-Presidents;

C. two (2) Divisional Branch Vice-Presidents;

D. Divisional Branch Secretary;

E. Divisional Branch Assistant Secretaries; and

F. two (2) Divisional Branch Executive Members.

(B) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Northern Territory Divisional Branch be taken so far as the context allows to be a reference to the Queensland Northern Territory Divisional Branch Executive established in accordance with this sub-rule.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) On and from 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional

Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach

agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A – DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

(i) In the Victoria-Tasmania Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA). Provided however that on and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B – DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

(i) On and from the date of certification of this sub-rule and until 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, there shall be a Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch, (Tasmania Sub-Branch), the members of which shall consist of the following persons who were, immediately prior to this rule taking effect, members of the Tasmanian Divisional Branch Management Committee:-

Name	Office Held within Tasmanian Divisional Branch	Office Held within Victoria-Tasmania Divisional Branch
Bill White	Divisional Branch Secretary	Sub-Branch Secretary
Dale Cracknell	Divisional Branch President	Sub-Branch President
Michael Van de Kamp	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Michael Norris	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Mick Huxley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Roy Smedley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Paul Rainey	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Dickie Post	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member

(ii) On and from 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(iii) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch. Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only. Further provided that the Victoria-Tasmania Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Tasmanian Divisional Branch and the Victorian Divisional Branch immediately prior to the certification of this sub-rule.

43 – DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In the New South Wales Divisional Branch and the Victoria-Tasmania Divisional Branch, the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 – DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, the Queensland and Northern Territory Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 – DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the Divisional Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the Divisional Branch Assistant Secretary.

The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 – DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Branch Office, together with a statement of the assets and liabilities of the Divisional Branch Office for the financial year ending 31st December. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 – (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A – DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

48B – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E – DELETED

48F – DIVISIONAL BRANCH SENIOR VICE-PRESIDENTS/DIVISIONAL BRANCH VICE-PRESIDENTS (QUEENSLAND)

(i) This rule applies only in relation to the QNTDB and notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers.

(ii) In the QNTDB there shall be two Divisional Branch Senior Vice-Presidents one of whom shall, in the absence of the Divisional Branch President, preside at meetings of, or convened by, the Divisional Branch Council or Divisional Branch Executive. The Divisional Branch Executive will determine, for the purposes of this sub-rule, which of the Divisional Senior Vice-Presidents is to so act.

(iii) The Divisional Branch Senior Vice-Presidents in the QNTDB shall have such other duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

(iv) The Divisional Branch Vice-Presidents in the QNTDB shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

49 – FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 – DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 – REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 – DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 – MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 – PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 – APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 – DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 – SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 – VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 – ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 – TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 – FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 – CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 – RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 – STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 – INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 – DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 – REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 – SPECIAL RULES

(iA) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elect to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(iB) (a) The purpose of this rule is to provide for:

(i) the merger of the QNTDB with the QBLDB to constitute on commencement day, the QNTDB; and

(ii) the conduct of the first election for the offices of the QNTDB in the year 2016 ("the 2016 elections").

(b) This rule shall apply notwithstanding any other provision of these Divisional Rules.

(c) The provisions of this rule provide for the merger and shall take effect on, and from, either the 3rd January 2014 or the day after the General Manager of the Fair Work Commission certifies them, whichever is the later ("the commencement day").

(d) The QNTDB, and the members attached to it, shall comply with the provisions of this rule severally.

(e) On, and from, the commencement day, the QNTDB and the QBLDB shall be merged to form the Queensland-Northern Territory Divisional Branch.

(f) On commencement day the financial members of the QNTDB shall, despite rule 40(2)(ii)(C), be represented in the offices set out in column B by the persons holding the office set out in column A on the day immediately preceding the commencement day in respectively the QNTDB or the QBLDB:

A	B
Divisional Branch Secretary - QBLDB	Divisional Branch President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch President - QBLDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Assistant Secretary - QBLDB	Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch

Divisional Branch Vice President - QBLDB	Divisional Branch Vice President and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Trustees - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Treasurer - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Guardian - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Executive Members - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch President - QNTDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Vice-President - QNTDB	Divisional Branch Vice President (Construction Workers Divisional Branch) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Secretary - QNTDB	Divisional Branch Secretary Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Plasterers) - QNTDB	Divisional Branch Assistant Secretary (Plasterers) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Painters) - QNTDB	Divisional Branch Assistant Secretary (Painters) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch

Divisional Branch Assistant Secretary (General) - QNTDB	Divisional Branch Assistant Secretary (General) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Executive Member - QNTDB	Divisional Branch Executive Member and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (South East Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Regional Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Northern Territory) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch

and such persons as referred to in Column A herein shall, subject to these Divisional Rules, continue to hold the office in the merged Divisional Branch as described in Column B herein, until their successor takes office following the 2016 elections.

(h) The officers of the Divisional Branch Council of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Management Committee, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(i) The officers of the Divisional Branch Executive of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Executive, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive and who are by operation of these rules, members of the QNTDB Divisional Branch Executive on and from commencement day, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting.

(j) A member of the QNTDB, who becomes a member on, or following, the commencement day is liable to pay subscriptions and fees in accordance with these Divisional Rules.

(k) There shall be an inaugural meeting of the Divisional Branch Council of the QNTDB to be held within two (2) months of the commencement day.

(l) There shall be an inaugural meeting of the Divisional Branch Executive of the QNTDB to be held within one (1) month of the commencement day.

(m) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QBLDB contiguous with periods of financial membership with the QNTDB.

(n) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QCWDB contiguous with periods of financial membership with the QNTDB.

(o) At meetings of the Divisional Branch Council and Divisional Branch Executive of the QNTDB, quorum shall be as provided by rules 41(a) and 42(b) respectively provided however that for the purposes of quorum at least one (1) member must be a person who was a member of the QBLDB on the day immediately preceding amalgamation day and at least one (1) member must be a person who was a member of the QNTDB on the day immediately preceding amalgamation day.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

105N-BWIU: Incorporates alterations of 2 July 2020 [R2020/80] and correction made on 2 July 2020 [R2020/50]
(replaces rulebook dated 22 May 2020 [R2020/50])

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 78 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 – NAME

The name of the Division shall be "the Construction and General Division".

2 – ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 – DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

“commencement day” means the date provided by rule 69(iB)(c)

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“QBLDB” means the Queensland Builders Labourers Divisional Branch.

“QNTDB” means the Queensland Northern Territory Divisional Branch.

“UNFINANCIAL DIVISIONAL BRANCH” shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 – MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

(viii) Any person who, at the date of certification of this sub-rule, is a member of the Victorian Divisional Branch or the Tasmanian Divisional Branch shall be and become a member of the Victoria-Tasmania Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Tasmanian Divisional Branch or the Victorian Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania Divisional Branch. Further provided that the period of membership of the Victoria-Tasmania Divisional Branch shall be the same as that held by such members within the Victorian Divisional Branch or Tasmanian Divisional Branch, as the case may be.

(ix) Any person who, at the date of certification of this sub-rule, is a member of the QBLDB shall become a member of the QNTDB and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the QBLDB as at the date this rule takes effect shall become an amount owing to the QNTDB. Further provided that the period of membership of the QNTDB shall be the same as that held by such members within the QBLDB.

5 – ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 – CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 – SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 – SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

Provided that if at any time there is no longer an office of Divisional Branch Assistant Secretary (Plasterer) in the Australian Capital Territory Divisional Branch, the Divisional Branch Assistant Secretary of that Branch shall, by virtue of that office, be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viiA) Those members of the QNTDB and the QBLDB who held office as Divisional Conference Delegates on the day preceding the commencement day shall continue in office and be Divisional Conference Delegates for the QNTDB.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 – DIVISIONAL EXECUTIVE

1.A For the purpose of the quadrennial Divisional elections to be held in 2013 and thereafter, the Divisional Executive shall be composed of one (1) Divisional President, one (1) Divisional Senior Vice President, one (1) Divisional Vice President, one (1) Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, provided that in addition to the Divisional Executive members referred to in the immediately preceding paragraph, there shall be an additional Divisional Executive member for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch. For the purpose of this sub-rule the number of financial members shall be the number of such members as at 31 March in the year of the election. Such additional Divisional Executive members shall, notwithstanding sub-rule 2 herein, be nominated and elected by and from the Divisional Conference delegates from the relevant Divisional Branches to which those offices relate, such election to be conducted at the same time as the election of the Divisional Executive members referred to in the preceding paragraph.

Further provided that immediately following the declaration of the result of the election/ballot in accordance with sub-rules 7 or 11 herein, as the case may be, the Divisional Returning Officer shall call for nominations from the newly elected Divisional Executive members, other than the Divisional President, Divisional Senior Vice President, Divisional Secretary and Divisional Assistant Secretaries, for the office of Divisional Vice-President, and if necessary, conduct a ballot to determine that position.

2. Except for the filling of extraordinary vacancies and the office of Divisional Vice-President, the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. -The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1A hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer

shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in the year in which his or her successor is elected.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

(c) For the avoidance of doubt, on and from the date of certification of this sub-rule 14(c), the provisions of this sub-rule 14 shall apply to the filling of any casual vacancy occurring in the office of Senior Vice-President as a result of death, resignation, retirement, dismissal or for any other reason.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-President and Divisional Vice-President) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled

to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 – REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 – REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 – VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 – DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each financial year. Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 – FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 – AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each financial year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 – ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 – RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 – DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch)

Provided however that the operation of the Victoria-Tasmania Divisional Branch shall be reviewed by the Divisional Executive with a view to re-establishing separate Divisional Branches in the States of Victoria and Tasmania where, in the opinion of the Divisional Executive, the establishment of such separate Divisional Branches is in the interests of the members in those states and the Division as a whole. Such a review shall be completed within three (3) years of the declaration of the ballot for the Divisional Branch elections in 2012.

(ii) Notwithstanding any other rule to the contrary, the Divisional Branch President and the Divisional Branch Secretary of the former Tasmanian Divisional Branch shall upon the establishment of the Victoria-Tasmania Divisional Branch and until the declaration of the Divisional Branch elections in 2012, be and remain delegates to the Divisional Conference of the CFMEU, Construction and General Division.

(c) In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 – DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 – EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 – SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 – DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 – PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 – RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 – LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 – VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 – STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 – NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

29 – ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Northern Territory Divisional Branch.

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria or Tasmania shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania Divisional Branch.

30 – MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependent upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Northern Territory Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Northern Territory Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 – ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 – CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 – COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 – AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 – FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 – AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every financial year to and including the last day of December of each financial year. Such auditor shall also produce and certify a yearly balance sheet. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 – OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) Without affecting the term of office of persons holding office as Divisional Branch Officers in the QNTDB and the QBLDB immediately prior to the date of certification of this sub-rule, in the QNTDB the officers of the Divisional Branch shall, on and from 3 January 2014 and as a result of the merger of the QNTDB and the QBLDB, consist of the Divisional Branch President, two (2) Divisional Branch Senior Vice-Presidents (which positions shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and two Divisional Branch Executive Members.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary, Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, 4 Divisional Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, a Divisional Branch Assistant Secretary, a Divisional Branch Senior Vice-President (FEDFA), a Divisional Branch Assistant Secretary (FEDFA), (both of which shall be paid, full-time positions), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

38 – DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(iA) In relation to the South Australian Divisional Branch only, subrules (a)(i)(B) and (C) and the scale in sub-rule (a)(vi) will not apply to the filling of any casual vacancy that exists at the time of this rule change, or to any casual vacancy that may arise prior to nominations being called for the Divisional Branch election to be held in 2020.

For the avoidance of doubt, a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, and will be filled in accordance with r38(cc).

Further, in relation to the South Australian Divisional Branch only, the offices which are identified in sub-rule (a)(vi) which require 3 years' continuous financial membership of the Branch will only require 1 year's continuous financial membership for the purposes of eligibility in the Divisional Branch election to be held in 2020 only.

Further, for the purposes of the Divisional Branch elections to be held in 2020 for the South Australian Divisional Branch only:

(i) for the purposes of subrules (a)(i)(B) and (a)(vi), 1 years continuous financial membership may be of any Divisional Branch (including, but not limited to, the South Australian Divisional Branch) including continuous financial membership of more than one Divisional Branch; and

(ii) for the purposes of sub-rule (a)(i)(C)(i), a person will be eligible if they have been engaged as an officer (as defined in rule 37), or as an employee, of any Divisional Branch (or in any state registered counterpart organisation thereto) including, but not limited to, the South Australian Divisional Branch.

(iB) In relation to the Victoria-Tasmania Divisional Branch only, the offices of Divisional Branch Senior Vice President and Divisional Branch Vice President which are identified in sub-rule (a)(vi) as requiring 3 years' continuous financial membership of the Branch will only require 2 years' continuous financial membership for the purposes of eligibility in the Divisional Branch election to be held in 2020 only.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Returning Officer shall seek from the member an election as to which position the member wishes to contest.
Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	)
Divisional Branch President	) 3 years'
Divisional Branch Senior Vice-	) continuous financial
President and Vice President	) membership
Divisional Branch Delegate to	)
Divisional Conference	)

Divisional Branch Management	)
Committee Member	) 1 year's
District Secretary/Organiser	) continuous financial
Organiser	) membership
Sub-Branch Secretary, President,	)
Or Management Committee Member	)
Divisional Branch Trustee (South	)
Australia and Queensland Builders	)
Labourers' Divisional Branches)	)

Divisional Branch Councillor,	) financial
representatives	) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election.

(c) Nominations for the above positions shall be called by the Returning Officer by notification in the union journal and the Divisional and relevant Divisional Branch website. Where a Divisional Branch printed journal is not scheduled for publication within two weeks of the opening of nominations then the website notification shall suffice. Alternatively, notice may be given to members by publication in one daily newspaper circulating in the Divisional Branch area on or before the last day of August in the year of the election.

Provided that such notifications shall clearly indicate that the Divisional Executive members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations must be lodged with the Returning Officer before the close of nominations at the address and by the methods specified on the notice of election. Nomination forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Returning Officer to fill any vacancy or vacancies the Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the

number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within one day of the closing of nominations, a certified list of financial members entitled to vote to the Returning Officer.

(n) The Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Returning Officer shall post to each member eligible to vote by pre-paid post all ballot papers. The ballot papers shall be posted to ensure eligible members receive them not less than 14 days before the closing of the ballot.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Returning Officer shall collect the returned ballot papers and keep them securely under their custody until the commencement of the count.

(s) The Returning Officer shall advise scrutineer/s of a secure space and location where the count shall occur. If the AEC is conducting the election, the counting of the ballot shall take place on AEC

premises. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.

(u) (i) The Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post.

The Returning Officer's report to the Divisional Executive shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot.

They shall obey any directions given to them by the Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Returning Officer shall conduct an election in accordance with the rules, with any
necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 – PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 – SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Northern Territory Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.

Camden Zone: 3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.

Country Zone: 3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

The counties referred to in this sub-rule are as defined in accordance with the NSW lands administrative divisions.

(ii) (A) Without affecting the term of office of the Divisional Branch Council members of the QNTDB elected to office at the 2016 Divisional Branch elections, on and from the date of certification of this sub-rule, and thereafter, the Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) two (2) Divisional Branch Senior Vice-Presidents;
(iii) two (2) Divisional Branch Vice-Presidents;
(iv) the Divisional Branch Secretary;
(v) the Divisional Branch Assistant Secretaries;
(vi) two (2) Divisional Branch Executive Members;
(vii) 12 members on the Divisional Branch Council who shall be elected by and from the three sub-groups as follows:

(a) eight (8) Divisional Branch Council members who shall be elected by, and from, the members who reside in South East Queensland;

(b) three (3) Divisional Branch Council Members who shall be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) one(1) Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory, subject to the:

1. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) if the Divisional Branch President resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) if the Divisional Branch President resides in Regional Queensland;

c. under paragraph (vii)(c) being reduced by one (1) if the Divisional Branch President resides in the Northern Territory;

2. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) or more if one (1) or more of the Divisional Branch Senior Vice Presidents resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) or more if one (1) or more of the Divisional Branch Senior Vice Presidents resides in Regional Queensland; and/or

c. under paragraph (vii)(c) being reduced by one (1) if a Divisional Branch Senior Vice President resides in the Northern Territory;

3. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) or more if one (1) or more of the Divisional Branch Executive Members resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) or more if one (1) or more of the Divisional Branch Executive Members resides in Regional Queensland; and/or

c. under paragraph (vii)(c) being reduced by one (1) or more if a Divisional Branch Executive Member resides in the Northern Territory;

(B) The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, the Divisional Branch President and the Divisional Branch Senior Vice-Presidents shall, subject to this sub-rule, be elected by and from Members of the QNTDB, who are eligible to nominate and vote in accordance with these Rules.

(C) The Divisional Branch Council may, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine whether the office of Divisional Branch President is to be held on an honorary or full-time basis following the quadrennial election, provided that for the purposes of the quadrennial election to be held in 2020, the office of Divisional Branch President is to be honorary.

(D) The Divisional Branch Senior Vice Presidents and the Divisional Branch Executive Members shall, subject to this sub-rule, be elected by and from members of the QNTDB, who are eligible to nominate and vote in accordance with these rules.

(E) The Divisional Branch Assistant Secretary (Painters) (if any) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, the members of the QNTDB, who are eligible for membership under National Rule 2(A)(b) and entitled to vote.

(F) The Divisional Branch Assistant Secretary (Plasterers) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, the members of the QNTDB, who are eligible for membership under National Rule 2(A)(a)(ii) and entitled to vote.

(G) The Divisional Branch Assistant Secretaries (General) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, all members of the QNTDB, who are entitled to vote.

(H) The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

(I) The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

(J) The Divisional Branch Council will, at its first meeting held following a quadrennial election, elect from its members two (2) Divisional Branch Vice-Presidents and:

(i) the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9; and

(ii) Divisional Branch Vice-Presidents will not, apart from holding the office of Divisional Branch Council Member, hold any other office in the QNTDB.

(K) Despite sub-rule (I):

(i) the Divisional Branch Council may determine that a full time office of Divisional Branch Assistant Secretary will, with the consent of the incumbent in that office, revert to an honorary office; and

(ii) where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Executive may, prior to filling the vacancy pursuant to these Rules, resolve whether the office will be abolished or whether it is to be filled on an honorary or full-time basis.

(L) Despite sub-rule (C):

(i) the Divisional Branch Council may determine that a full time office of Divisional Branch President will, with the consent of the incumbent in that office, revert to an honorary office; and

(ii) where a casual vacancy arises in an office of Divisional Branch President, the Divisional Branch Executive may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(M) For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council;

(s) Torres Strait & Torres Strait Regional Council;

(t) Shire of Mareeba; and

(u) Shire of Douglas.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Noosa;

(h) Redland;

(i) Scenic Rim;

(j) Somerset; and

(k) Sunshine Coast.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

(b) The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Returning Officer and a Deputy Returning Officer, who shall act in the absence of the Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Returning Officer shall hold office until a successor thereto is duly appointed. The Returning Officer shall have absolute control of any election or appointment.

(ii) The Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 – MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 – DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) (A) In the QNTDB there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. two (2) Divisional Branch Senior Vice-Presidents;

C. two (2) Divisional Branch Vice-Presidents;

D. Divisional Branch Secretary;

E. Divisional Branch Assistant Secretaries; and

F. two (2) Divisional Branch Executive Members.

(B) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Northern Territory Divisional Branch be taken so far as the context allows to be a reference to the Queensland Northern Territory Divisional Branch Executive established in accordance with this sub-rule.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) On and from 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional

Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office. Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach

agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A – DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

(i) In the Victoria-Tasmania Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA). Provided however that on and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B – DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

(i) On and from the date of certification of this sub-rule and until 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, there shall be a Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch, (Tasmania Sub-Branch), the members of which shall consist of the following persons who were, immediately prior to this rule taking effect, members of the Tasmanian Divisional Branch Management Committee:-

Name	Office Held within Tasmanian Divisional Branch	Office Held within Victoria-Tasmania Divisional Branch
Bill White	Divisional Branch Secretary	Sub-Branch Secretary
Dale Cracknell	Divisional Branch President	Sub-Branch President
Michael Van de Kamp	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Michael Norris	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Mick Huxley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Roy Smedley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Paul Rainey	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Dickie Post	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member

(ii) On and from 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(iii) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch. Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only. Further provided that the Victoria-Tasmania Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Tasmanian Divisional Branch and the Victorian Divisional Branch immediately prior to the certification of this sub-rule.

43 – DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In the New South Wales Divisional Branch and the Victoria-Tasmania Divisional Branch, the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 – DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, the Queensland and Northern Territory Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 – DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter. In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the Divisional Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the Divisional Branch Assistant Secretary.

The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 – DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Branch Office, together with a statement of the assets and liabilities of the Divisional Branch Office for the financial year ending 31st December. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 – (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A – DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

48B – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E – DELETED

48F – DIVISIONAL BRANCH SENIOR VICE-PRESIDENTS/DIVISIONAL BRANCH VICE-PRESIDENTS (QUEENSLAND)

(i) This rule applies only in relation to the QNTDB and notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers.

(ii) In the QNTDB there shall be two Divisional Branch Senior Vice-Presidents one of whom shall, in the absence of the Divisional Branch President, preside at meetings of, or convened by, the Divisional Branch Council or Divisional Branch Executive. The Divisional Branch Executive will determine, for the purposes of this sub-rule, which of the Divisional Senior Vice-Presidents is to so act.

(iii) The Divisional Branch Senior Vice-Presidents in the QNTDB shall have such other duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

(iv) The Divisional Branch Vice-Presidents in the QNTDB shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

49 – FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 – DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 – REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 – DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 – MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 – PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 – APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 – DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 – SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 – VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 – ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 – TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 – FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 – CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 – RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 – STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 – INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 – DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 – REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 – SPECIAL RULES

(iA) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elect to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(iB) (a) The purpose of this rule is to provide for:

(i) the merger of the QNTDB with the QBLDB to constitute on commencement day, the QNTDB; and

(ii) the conduct of the first election for the offices of the QNTDB in the year 2016 ("the 2016 elections").

(b) This rule shall apply notwithstanding any other provision of these Divisional Rules.

(c) The provisions of this rule provide for the merger and shall take effect on, and from, either the 3rd January 2014 or the day after the General Manager of the Fair Work Commission certifies them, whichever is the later ("the commencement day").

(d) The QNTDB, and the members attached to it, shall comply with the provisions of this rule severally.

(e) On, and from, the commencement day, the QNTDB and the QBLDB shall be merged to form the Queensland-Northern Territory Divisional Branch.

(f) On commencement day the financial members of the QNTDB shall, despite rule 40(2)(ii)(C), be represented in the offices set out in column B by the persons holding the office set out in column A on the day immediately preceding the commencement day in respectively the QNTDB or the QBLDB:

A	B
Divisional Branch Secretary - QBLDB	Divisional Branch President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch President - QBLDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Assistant Secretary - QBLDB	Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch

Divisional Branch Vice President - QBLDB	Divisional Branch Vice President and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Trustees - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Treasurer - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Guardian - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Executive Members - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch President - QNTDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Vice-President - QNTDB	Divisional Branch Vice President (Construction Workers Divisional Branch) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Secretary - QNTDB	Divisional Branch Secretary Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Plasterers) - QNTDB	Divisional Branch Assistant Secretary (Plasterers) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Painters) - QNTDB	Divisional Branch Assistant Secretary (Painters) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch

Divisional Branch Assistant Secretary (General) - QNTDB	Divisional Branch Assistant Secretary (General) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Executive Member - QNTDB	Divisional Branch Executive Member and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (South East Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Regional Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Northern Territory) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch

and such persons as referred to in Column A herein shall, subject to these Divisional Rules, continue to hold the office in the merged Divisional Branch as described in Column B herein, until their successor takes office following the 2016 elections.

(h) The officers of the Divisional Branch Council of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Management Committee, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(i) The officers of the Divisional Branch Executive of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Executive, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive and who are by operation of these rules, members of the QNTDB Divisional Branch Executive on and from commencement day, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting.

(j) A member of the QNTDB, who becomes a member on, or following, the commencement day is liable to pay subscriptions and fees in accordance with these Divisional Rules.

(k) There shall be an inaugural meeting of the Divisional Branch Council of the QNTDB to be held within two (2) months of the commencement day.

(l) There shall be an inaugural meeting of the Divisional Branch Executive of the QNTDB to be held within one (1) month of the commencement day.

(m) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QBLDB contiguous with periods of financial membership with the QNTDB.

(n) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QCWDB contiguous with periods of financial membership with the QNTDB.

(o) At meetings of the Divisional Branch Council and Divisional Branch Executive of the QNTDB, quorum shall be as provided by rules 41(a) and 42(b) respectively provided however that for the purposes of quorum at least one (1) member must be a person who was a member of the QBLDB on the day immediately preceding amalgamation day and at least one (1) member must be a person who was a member of the QNTDB on the day immediately preceding amalgamation day.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

105N-BWIU: Incorporates alterations of 22 December 2020 [R2020/212]
(replaces rulebook dated 2 July 2020 [R2020/80])

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 77 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 – NAME

The name of the Division shall be "the Construction and General Division".

2 – ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 – DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

“commencement day” means the date provided by rule 69(iB)(c)

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“QBLDB” means the Queensland Builders Labourers Divisional Branch.

“QNTDB” means the Queensland Northern Territory Divisional Branch.

“UNFINANCIAL DIVISIONAL BRANCH” shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 – MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

(viii) Any person who, at the date of certification of this sub-rule, is a member of the Victorian Divisional Branch or the Tasmanian Divisional Branch shall be and become a member of the Victoria-Tasmania Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Tasmanian Divisional Branch or the Victorian Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania Divisional Branch. Further provided that the period of membership of the Victoria-Tasmania Divisional Branch shall be the same as that held by such members within the Victorian Divisional Branch or Tasmanian Divisional Branch, as the case may be.

(ix) Any person who, at the date of certification of this sub-rule, is a member of the QBLDB shall become a member of the QNTDB and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the QBLDB as at the date this rule takes effect shall become an amount owing to the QNTDB. Further provided that the period of membership of the QNTDB shall be the same as that held by such members within the QBLDB.

5 – ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 – CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 – SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 – SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

Provided that if at any time there is no longer an office of Divisional Branch Assistant Secretary (Plasterer) in the Australian Capital Territory Divisional Branch, the Divisional Branch Assistant Secretary of that Branch shall, by virtue of that office, be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viiA) Those members of the QNTDB and the QBLDB who held office as Divisional Conference Delegates on the day preceding the commencement day shall continue in office and be Divisional Conference Delegates for the QNTDB.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 – DIVISIONAL EXECUTIVE

1.A For the purpose of the quadrennial Divisional elections to be held in 2013 and thereafter, the Divisional Executive shall be composed of one (1) Divisional President, one (1) Divisional Senior Vice President, one (1) Divisional Vice President, one (1) Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, provided that in addition to the Divisional Executive members referred to in the immediately preceding paragraph, there shall be an additional Divisional Executive member for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch. For the purpose of this sub-rule the number of financial members shall be the number of such members as at 31 March in the year of the election. Such additional Divisional Executive members shall, notwithstanding sub-rule 2 herein, be nominated and elected by and from the Divisional Conference delegates from the relevant Divisional Branches to which those offices relate, such election to be conducted at the same time as the election of the Divisional Executive members referred to in the preceding paragraph.

Further provided that immediately following the declaration of the result of the election/ballot in accordance with sub-rules 7 or 11 herein, as the case may be, the Divisional Returning Officer shall call for nominations from the newly elected Divisional Executive members, other than the Divisional President, Divisional Senior Vice President, Divisional Secretary and Divisional Assistant Secretaries, for the office of Divisional Vice-President, and if necessary, conduct a ballot to determine that position.

2. Except for the filling of extraordinary vacancies and the office of Divisional Vice-President, the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. -The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1A hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer

shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in a year in which an election is required in accordance with these rules or until the Sunday immediately following the declaration of their successor's election at Divisional Conference (whichever is later).

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

(c) For the avoidance of doubt, on and from the date of certification of this sub-rule 14(c), the provisions of this sub-rule 14 shall apply to the filling of any casual vacancy occurring in the office of Senior Vice-President as a result of death, resignation, retirement, dismissal or for any other reason.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-President and Divisional Vice-President) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled

to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 – REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 – REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect,

and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 – VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 – DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each financial year. Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 – FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 – AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each financial year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 – ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 – RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 – DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch)

Provided however that the operation of the Victoria-Tasmania Divisional Branch shall be reviewed by the Divisional Executive with a view to re-establishing separate Divisional Branches in the States of Victoria and Tasmania where, in the opinion of the Divisional Executive, the establishment of such separate Divisional Branches is in the interests of the members in those states and the Division as a whole. Such a review shall be completed within three (3) years of the declaration of the ballot for the Divisional Branch elections in 2012.

(ii) Notwithstanding any other rule to the contrary, the Divisional Branch President and the Divisional Branch Secretary of the former Tasmanian Divisional Branch shall upon the establishment of the Victoria-Tasmania Divisional Branch and until the declaration of the Divisional Branch elections in 2012, be and remain delegates to the Divisional Conference of the CFMEU, Construction and General Division.

(c) In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 – DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 – EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 – SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 – DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 – PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 – RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 – LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 – VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 – STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 – NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

29 – ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Northern Territory Divisional Branch.

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria or Tasmania shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania Divisional Branch.

30 – MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependent upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Northern Territory Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Northern Territory Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 – ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 – CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 – COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 – AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 – FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 – AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every financial year to and including the last day of December of each financial year. Such auditor shall also produce and certify a yearly balance sheet. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 – OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) Without affecting the term of office of persons holding office as Divisional Branch Officers in the QNTDB and the QBLDB immediately prior to the date of certification of this sub-rule, in the QNTDB the officers of the Divisional Branch shall, on and from 3 January 2014 and as a result of the merger of the QNTDB and the QBLDB, consist of the Divisional Branch President, two (2) Divisional Branch Senior Vice-Presidents (which positions shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and two Divisional Branch Executive Members.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary, Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, 4 Divisional Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, a Divisional Branch Assistant Secretary, a Divisional Branch Senior Vice-President (FEDFA), a Divisional Branch Assistant Secretary (FEDFA), (both of which shall be paid, full-time positions), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

38 – DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(iA) In relation to the South Australian Divisional Branch only, subrules (a)(i)(B) and (C) and the scale in sub-rule (a)(vi) will not apply to the filling of any casual vacancy that exists at the time of this rule change, or to any casual vacancy that may arise prior to nominations being called for the Divisional Branch election to be held in 2020.

For the avoidance of doubt, a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, and will be filled in accordance with r38(cc).

Further, in relation to the South Australian Divisional Branch only, the offices which are identified in sub-rule (a)(vi) which require 3 years' continuous financial membership of the Branch will only require 1 year's continuous financial membership for the purposes of eligibility in the Divisional Branch election to be held in 2020 only.

Further, for the purposes of the Divisional Branch elections to be held in 2020 for the South Australian Divisional Branch only:

(i) for the purposes of subrules (a)(i)(B) and (a)(vi), 1 years continuous financial membership may be of any Divisional Branch (including, but not limited to, the South Australian Divisional Branch) including continuous financial membership of more than one Divisional Branch; and

(ii) for the purposes of sub-rule (a)(i)(C)(i), a person will be eligible if they have been engaged as an officer (as defined in rule 37), or as an employee, of any Divisional Branch (or in any state registered counterpart organisation thereto) including, but not limited to, the South Australian Divisional Branch.

(iB) In relation to the Victoria-Tasmania Divisional Branch only, the offices of Divisional Branch Senior Vice President and Divisional Branch Vice President which are identified in sub-rule (a)(vi) as requiring 3 years' continuous financial membership of the Branch will only require 2 years' continuous financial membership for the purposes of eligibility in the Divisional Branch election to be held in 2020 only.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Returning Officer shall seek from the member an election as to which position the member wishes to contest.
Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	)
Divisional Branch President	) 3 years'
Divisional Branch Senior Vice-	) continuous financial
President and Vice President	) membership
Divisional Branch Delegate to	)
Divisional Conference	)

Divisional Branch Management	)
Committee Member	) 1 year's
District Secretary/Organiser	) continuous financial
Organiser	) membership
Sub-Branch Secretary, President,	)
Or Management Committee Member	)
Divisional Branch Trustee (South	)
Australia and Queensland Builders	)
Labourers' Divisional Branches)	)

Divisional Branch Councillor,	) financial
representatives	) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election. In the event that a delay in the conduct of an election means that the results for an office are not declared until after 2 January, the successful candidate(s) shall take up office on the Monday immediately following the declaration of their election. In circumstances where the results for an office are declared after 2 January, the term of the candidate will be reduced by the length of the delay to ensure that there is no disruption to the next scheduled Divisional Branch election under these rules.

(b)(i) In the event that there is a delay of the kind described in rule 38(b), the incumbent will hold over office beyond 2 January and until their successor takes up office on the Monday immediately following the declaration of their election. Any action taken by the incumbent while holding over office shall not be invalidated merely because they have been held over in the position in accordance with these rules.

(c) Nominations for the above positions shall be called by the Returning Officer by notification in the union journal and the Divisional and relevant Divisional Branch website. Where a Divisional Branch printed journal is not scheduled for publication within two weeks of the opening of nominations then the website notification shall suffice. Alternatively, notice may be given to members by publication in one daily newspaper circulating in the Divisional Branch area on or before the last day of August in the year of the election.

Provided that such notifications shall clearly indicate that the Divisional Executive members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations must be lodged with the Returning Officer before the close of nominations at the address and by the methods specified on the notice of election. Nomination forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Returning Officer to fill any vacancy or vacancies the Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time

and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within one day of the closing of nominations, a certified list of financial members entitled to vote to the Returning Officer.

(n) The Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Returning Officer shall post to each member eligible to vote by pre-paid post all ballot papers. The ballot papers shall be posted to ensure eligible members receive them not less than 14 days before the closing of the ballot.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Returning Officer, c/- the post office box named on the reply envelope. The post

office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Returning Officer shall collect the returned ballot papers and keep them securely under their custody until the commencement of the count.

(s) The Returning Officer shall advise scrutineer/s of a secure space and location where the count shall occur. If the AEC is conducting the election, the counting of the ballot shall take place on AEC premises. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.

(u) (i) The Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post.

The Returning Officer's report to the Divisional Executive shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot, or otherwise in accordance with rule 38(b), and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot.

They shall obey any directions given to them by the Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Returning Officer shall conduct an election in accordance with the rules, with any
necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 – PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 – SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Northern Territory Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the

Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.
Camden Zone:	3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.
Country Zone:	3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

The counties referred to in this sub-rule are as defined in accordance with the NSW lands administrative divisions.

(ii) (A) Without affecting the term of office of the Divisional Branch Council members of the QNTDB elected to office at the 2016 Divisional Branch elections, on and from the date of certification of this sub-rule, and thereafter, the Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) two (2) Divisional Branch Senior Vice-Presidents;
(iii) two (2) Divisional Branch Vice-Presidents;
(iv) the Divisional Branch Secretary;
(v) the Divisional Branch Assistant Secretaries;
(vi) two (2) Divisional Branch Executive Members;
(vii) 12 members on the Divisional Branch Council who shall be elected by and from the three sub-groups as follows:

(a) eight (8) Divisional Branch Council members who shall be elected by, and from, the members who reside in South East Queensland;

(b) three (3) Divisional Branch Council Members who shall be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) one(1) Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory, subject to the:

1. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) if the Divisional Branch President resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) if the Divisional Branch President resides in Regional Queensland;

c. under paragraph (vii)(c) being reduced by one (1) if the Divisional Branch President resides in the Northern Territory;

2. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) or more if one (1) or more of the Divisional Branch Senior Vice Presidents resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) or more if one (1) or more of the Divisional Branch Senior Vice Presidents resides in Regional Queensland; and/or

c. under paragraph (vii)(c) being reduced by one (1) if a Divisional Branch Senior Vice President resides in the Northern Territory;

3. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) or more if one (1) or more of the Divisional Branch Executive Members resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) or more if one (1) or more of the Divisional Branch Executive Members resides in Regional Queensland; and/or

c. under paragraph (vii)(c) being reduced by one (1) or more if a Divisional Branch Executive Member resides in the Northern Territory;

(B) The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, the Divisional Branch President and the Divisional Branch Senior Vice-Presidents shall, subject to this sub-rule, be elected by and from Members of the QNTDB, who are eligible to nominate and vote in accordance with these Rules.

(C) The Divisional Branch Council may, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine whether the office of Divisional Branch President is to be held on an honorary or full-time basis following the quadrennial election, provided that for the purposes of the quadrennial election to be held in 2020, the office of Divisional Branch President is to be honorary.

(D) The Divisional Branch Senior Vice Presidents and the Divisional Branch Executive Members shall, subject to this sub-rule, be elected by and from members of the QNTDB, who are eligible to nominate and vote in accordance with these rules.

(E) The Divisional Branch Assistant Secretary (Painters) (if any) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, the members of the QNTDB, who are eligible for membership under National Rule 2(A)(b) and entitled to vote.

(F) The Divisional Branch Assistant Secretary (Plasterers) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, the members of the QNTDB, who are eligible for membership under National Rule 2(A)(a)(ii) and entitled to vote.

(G) The Divisional Branch Assistant Secretaries (General) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, all members of the QNTDB, who are entitled to vote.

(H) The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

(I) The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

(J) The Divisional Branch Council will, at its first meeting held following a quadrennial election, elect from its members two (2) Divisional Branch Vice-Presidents and:

(i) the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9; and

(ii) Divisional Branch Vice-Presidents will not, apart from holding the office of Divisional Branch Council Member, hold any other office in the QNTDB.

(K) Despite sub-rule (I):

(i) the Divisional Branch Council may determine that a full time office of Divisional Branch Assistant Secretary will, with the consent of the incumbent in that office, revert to an honorary office; and

(ii) where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Executive may, prior to filling the vacancy pursuant to these Rules, resolve whether the office will be abolished or whether it is to be filled on an honorary or full-time basis.

(L) Despite sub-rule (C):

(i) the Divisional Branch Council may determine that a full time office of Divisional Branch President will, with the consent of the incumbent in that office, revert to an honorary office; and

(ii) where a casual vacancy arises in an office of Divisional Branch President, the Divisional Branch Executive may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(M) For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council;

(s) Torres Strait & Torres Strait Regional Council;

(t) Shire of Mareeba; and

(u) Shire of Douglas.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Noosa;

(h) Redland;

(i) Scenic Rim;

(j) Somerset; and

(k) Sunshine Coast.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker

(metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

(b) The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Returning Officer and a Deputy Returning Officer, who shall act in the absence of the Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Returning Officer shall hold office until a successor thereto is duly appointed. The Returning Officer shall have absolute control of any election or appointment.

(ii) The Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 – MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 – DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) (A) In the QNTDB there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. two (2) Divisional Branch Senior Vice-Presidents;

C. two (2) Divisional Branch Vice-Presidents;

D. Divisional Branch Secretary;

E. Divisional Branch Assistant Secretaries; and

F. two (2) Divisional Branch Executive Members.

(B) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Northern Territory Divisional Branch be taken so far as the context allows to be a reference to the Queensland Northern Territory Divisional Branch Executive established in accordance with this sub-rule.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) On and from 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional

Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office (or otherwise in accordance with rule 38(b)). Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or

employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A – DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

(i) In the Victoria-Tasmania Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA). Provided however that on and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B – DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

(i) On and from the date of certification of this sub-rule and until 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, there shall be a Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch, (Tasmania Sub-Branch), the members of which shall consist of the following persons who were, immediately prior to this rule taking effect, members of the Tasmanian Divisional Branch Management Committee:-

Name	Office Held within Tasmanian Divisional Branch	Office Held within Victoria-Tasmania Divisional Branch
Bill White	Divisional Branch Secretary	Sub-Branch Secretary
Dale Cracknell	Divisional Branch President	Sub-Branch President
Michael Van de Kamp	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Michael Norris	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Mick Huxley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Roy Smedley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Paul Rainey	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Dickie Post	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member

(ii) On and from 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(iii) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch. Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only. Further provided that the Victoria-Tasmania Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Tasmanian Divisional Branch and the Victorian Divisional Branch immediately prior to the certification of this sub-rule.

43 – DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In the New South Wales Divisional Branch and the Victoria-Tasmania Divisional Branch, the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 – DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, the Queensland and Northern Territory Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 – DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter (or in the event of a delay in the conduct of an election, in accordance with rule 38(b)). In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the Divisional Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the Divisional Branch Assistant Secretary.

The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 – DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Branch Office, together with a statement of the assets and liabilities of the Divisional Branch Office for the financial year ending 31st December. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 – (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A – DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

48B – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E – DELETED

48F – DIVISIONAL BRANCH SENIOR VICE-PRESIDENTS/DIVISIONAL BRANCH VICE-PRESIDENTS (QUEENSLAND)

(i) This rule applies only in relation to the QNTDB and notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers.

(ii) In the QNTDB there shall be two Divisional Branch Senior Vice-Presidents one of whom shall, in the absence of the Divisional Branch President, preside at meetings of, or convened by, the Divisional Branch Council or Divisional Branch Executive. The Divisional Branch Executive will determine, for the purposes of this sub-rule, which of the Divisional Senior Vice-Presidents is to so act.

(iii) The Divisional Branch Senior Vice-Presidents in the QNTDB shall have such other duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

(iv) The Divisional Branch Vice-Presidents in the QNTDB shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

49 – FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 – DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 – REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 – DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 – MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 – PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 – APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 – DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 – SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 – VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 – ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 – TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 – FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 – CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 – RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 – STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 – INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 – DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 – REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 – SPECIAL RULES

(iA) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elect to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(iB) (a) The purpose of this rule is to provide for:

(i) the merger of the QNTDB with the QBLDB to constitute on commencement day, the QNTDB; and

(ii) the conduct of the first election for the offices of the QNTDB in the year 2016 ("the 2016 elections").

(b) This rule shall apply notwithstanding any other provision of these Divisional Rules.

(c) The provisions of this rule provide for the merger and shall take effect on, and from, either the 3rd January 2014 or the day after the General Manager of the Fair Work Commission certifies them, whichever is the later ("the commencement day").

(d) The QNTDB, and the members attached to it, shall comply with the provisions of this rule severally.

(e) On, and from, the commencement day, the QNTDB and the QBLDB shall be merged to form the Queensland-Northern Territory Divisional Branch.

(f) On commencement day the financial members of the QNTDB shall, despite rule 40(2)(ii)(C), be represented in the offices set out in column B by the persons holding the office set out in column A on the day immediately preceding the commencement day in respectively the QNTDB or the QBLDB:

A	B
Divisional Branch Secretary - QBLDB	Divisional Branch President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch President - QBLDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Assistant Secretary - QBLDB	Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch

Divisional Branch Vice President - QBLDB	Divisional Branch Vice President and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Trustees - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Treasurer - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Guardian - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Executive Members - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch President - QNTDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Vice-President - QNTDB	Divisional Branch Vice President (Construction Workers Divisional Branch) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Secretary - QNTDB	Divisional Branch Secretary Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Plasterers) - QNTDB	Divisional Branch Assistant Secretary (Plasterers) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Painters) - QNTDB	Divisional Branch Assistant Secretary (Painters) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch

Divisional Branch Assistant Secretary (General) - QNTDB	Divisional Branch Assistant Secretary (General) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Executive Member - QNTDB	Divisional Branch Executive Member and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (South East Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Regional Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Northern Territory) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch

and such persons as referred to in Column A herein shall, subject to these Divisional Rules, continue to hold the office in the merged Divisional Branch as described in Column B herein, until their successor takes office following the 2016 elections.

(h) The officers of the Divisional Branch Council of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Management Committee, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(i) The officers of the Divisional Branch Executive of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Executive, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive and who are by operation of these rules, members of the QNTDB Divisional Branch Executive on and from commencement day, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting.

(j) A member of the QNTDB, who becomes a member on, or following, the commencement day is liable to pay subscriptions and fees in accordance with these Divisional Rules.

(k) There shall be an inaugural meeting of the Divisional Branch Council of the QNTDB to be held within two (2) months of the commencement day.

(l) There shall be an inaugural meeting of the Divisional Branch Executive of the QNTDB to be held within one (1) month of the commencement day.

(m) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QBLDB contiguous with periods of financial membership with the QNTDB.

(n) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QCWDB contiguous with periods of financial membership with the QNTDB.

(o) At meetings of the Divisional Branch Council and Divisional Branch Executive of the QNTDB, quorum shall be as provided by rules 41(a) and 42(b) respectively provided however that for the purposes of quorum at least one (1) member must be a person who was a member of the QBLDB on the day immediately preceding amalgamation day and at least one (1) member must be a person who was a member of the QNTDB on the day immediately preceding amalgamation day.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

105N-BWIU: Incorporates alterations of 10 February 2021 [R2020/204]
(replaces rulebook dated 22 December 2020 [R2020/212])

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 78 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 – NAME

The name of the Division shall be "the Construction and General Division".

2 – ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 – DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

“commencement day” means the date provided by rule 69(iB)(c)

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“QBLDB” means the Queensland Builders Labourers Divisional Branch.

“QNTDB” means the Queensland Northern Territory Divisional Branch.

“UNFINANCIAL DIVISIONAL BRANCH” shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 – MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

(viii) Any person who, at the date of certification of this sub-rule, is a member of the Victorian Divisional Branch or the Tasmanian Divisional Branch shall be and become a member of the Victoria-Tasmania Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Tasmanian Divisional Branch or the Victorian Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania Divisional Branch. Further provided that the period of membership of the Victoria-Tasmania Divisional Branch shall be the same as that held by such members within the Victorian Divisional Branch or Tasmanian Divisional Branch, as the case may be.

(ix) Any person who, at the date of certification of this sub-rule, is a member of the QBLDB shall become a member of the QNTDB and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the QBLDB as at the date this rule takes effect shall become an amount owing to the QNTDB. Further provided that the period of membership of the QNTDB shall be the same as that held by such members within the QBLDB.

5 – ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 – CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 – SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 – SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

Provided that if at any time there is no longer an office of Divisional Branch Assistant Secretary (Plasterer) in the Australian Capital Territory Divisional Branch, the Divisional Branch Assistant Secretary of that Branch shall, by virtue of that office, be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viiA) Those members of the QNTDB and the QBLDB who held office as Divisional Conference Delegates on the day preceding the commencement day shall continue in office and be Divisional Conference Delegates for the QNTDB.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 – DIVISIONAL EXECUTIVE

1.A For the purpose of the quadrennial Divisional elections to be held in 2013 and thereafter, the Divisional Executive shall be composed of one (1) Divisional President, one (1) Divisional Senior Vice President, one (1) Divisional Vice President, one (1) Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, provided that in addition to the Divisional Executive members referred to in the immediately preceding paragraph, there shall be an additional Divisional Executive member for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch. For the purpose of this sub-rule the number of financial members shall be the number of such members as at 31 March in the year of the election. Such additional Divisional Executive members shall, notwithstanding sub-rule 2 herein, be nominated and elected by and from the Divisional Conference delegates from the relevant Divisional Branches to which those offices relate, such election to be conducted at the same time as the election of the Divisional Executive members referred to in the preceding paragraph.

Further provided that immediately following the declaration of the result of the election/ballot in accordance with sub-rules 7 or 11 herein, as the case may be, the Divisional Returning Officer shall call for nominations from the newly elected Divisional Executive members, other than the Divisional President, Divisional Senior Vice President, Divisional Secretary and Divisional Assistant Secretaries, for the office of Divisional Vice-President, and if necessary, conduct a ballot to determine that position.

2. Except for the filling of extraordinary vacancies and the office of Divisional Vice-President, the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

4A. In addition, the Divisional Returning Officer shall have the conduct of the election of two (2) members of the National Women's Committee in accordance with rule 13B of the National Rules of the Union and according to the process set out in sub-rules (5)-(12) below.

The two (2) National Women's Committee member positions must be held by women and shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter, and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

To be clear, the two (2) National Women's Committee members are not members of the Divisional Executive.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. -The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1A hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

The ballot for the two (2) members of the National Women's Committee shall be dealt with and completed.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in a year in which an election is required in accordance with these rules or until the Sunday immediately following the declaration of their successor's election at Divisional Conference (whichever is later).

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

(c) For the avoidance of doubt, on and from the date of certification of this sub-rule 14(c), the provisions of this sub-rule 14 shall apply to the filling of any casual vacancy occurring in the office of Senior Vice-President as a result of death, resignation, retirement, dismissal or for any other reason.

(d) For the avoidance of doubt, on and from the date of certification of this sub-rule 14(d), the provisions of this sub-rule 14 shall apply to the filling of any casual vacancy occurring in the National Women's Committee positions as a result of death, resignation, retirement, dismissal or for any other reason.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-President and Divisional Vice-President) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 – REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 – REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 – VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 – DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each financial year. Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 – FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 – AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each financial year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 – ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 – RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 – DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch)

Provided however that the operation of the Victoria-Tasmania Divisional Branch shall be reviewed by the Divisional Executive with a view to re-establishing separate Divisional Branches in the States of Victoria and Tasmania where, in the opinion of the Divisional Executive, the establishment of such separate Divisional Branches is in the interests of the members in those states and the Division as a whole. Such a review shall be completed within three (3) years of the declaration of the ballot for the Divisional Branch elections in 2012.

(ii) Notwithstanding any other rule to the contrary, the Divisional Branch President and the Divisional Branch Secretary of the former Tasmanian Divisional Branch shall upon the establishment of the Victoria-Tasmania Divisional Branch and until the declaration of the Divisional Branch elections in 2012, be and remain delegates to the Divisional Conference of the CFMEU, Construction and General Division.

(c) In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 – DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 – EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 – SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 – DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 – PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 – RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 – LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 – VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 – STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 – NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

29 – ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Northern Territory Divisional Branch.

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria or Tasmania shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania Divisional Branch.

30 – MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependent upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Northern Territory Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Northern Territory Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 – ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 – CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 – COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 – AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 – FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 – AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every financial year to and including the last day of December of each financial year. Such auditor shall also produce and certify a yearly balance sheet. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 – OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) Without affecting the term of office of persons holding office as Divisional Branch Officers in the QNTDB and the QBLDB immediately prior to the date of certification of this sub-rule, in the QNTDB the officers of the Divisional Branch shall, on and from 3 January 2014 and as a result of the merger of the QNTDB and the QBLDB, consist of the Divisional Branch President, two (2) Divisional Branch Senior Vice-Presidents (which positions shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and two Divisional Branch Executive Members.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary, Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, 4 Divisional Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, a Divisional Branch Assistant Secretary, a Divisional Branch Senior Vice-President (FEDFA), a Divisional Branch Assistant Secretary (FEDFA), (both of which shall be paid, full-time positions), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

38 – DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(iA) In relation to the South Australian Divisional Branch only, subrules (a)(i)(B) and (C) and the scale in sub-rule (a)(vi) will not apply to the filling of any casual vacancy that exists at the time of this rule change, or to any casual vacancy that may arise prior to nominations being called for the Divisional Branch election to be held in 2020.

For the avoidance of doubt, a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, and will be filled in accordance with r38(cc).

Further, in relation to the South Australian Divisional Branch only, the offices which are identified in sub-rule (a)(vi) which require 3 years' continuous financial membership of the Branch will only require 1 year's continuous financial membership for the purposes of eligibility in the Divisional Branch election to be held in 2020 only.

Further, for the purposes of the Divisional Branch elections to be held in 2020 for the South Australian Divisional Branch only:

(i) for the purposes of subrules (a)(i)(B) and (a)(vi), 1 years continuous financial membership may be of any Divisional Branch (including, but not limited to, the South Australian Divisional Branch) including continuous financial membership of more than one Divisional Branch; and

(ii) for the purposes of sub-rule (a)(i)(C)(i), a person will be eligible if they have been engaged as an officer (as defined in rule 37), or as an employee, of any Divisional Branch (or in any state registered counterpart organisation thereto) including, but not limited to, the South Australian Divisional Branch.

(iB) In relation to the Victoria-Tasmania Divisional Branch only, the offices of Divisional Branch Senior Vice President and Divisional Branch Vice President which are identified in sub-rule (a)(vi) as requiring 3 years' continuous financial membership of the Branch will only require 2 years' continuous financial membership for the purposes of eligibility in the Divisional Branch election to be held in 2020 only.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Returning Officer shall seek from the member an election as to which position the member wishes to contest.
Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	)
Divisional Branch President	) 3 years'
Divisional Branch Senior Vice-	) continuous financial
President and Vice President	) membership
Divisional Branch Delegate to	)
Divisional Conference	)

Divisional Branch Management	)
Committee Member	) 1 year's
District Secretary/Organiser	) continuous financial
Organiser	) membership
Sub-Branch Secretary, President,	)
Or Management Committee Member	)
Divisional Branch Trustee (South	)
Australia and Queensland Builders	)
Labourers' Divisional Branches)	)

Divisional Branch Councillor,	) financial
representatives	) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election. In the event that a delay in the conduct of an election means that the results for an office are not declared until after 2 January, the successful candidate(s) shall take up office on the Monday immediately following the declaration of their election. In circumstances where the results for an office are declared after 2 January, the term of the candidate will be reduced by the length of the delay to ensure that there is no disruption to the next scheduled Divisional Branch election under these rules.

(b)(i) In the event that there is a delay of the kind described in rule 38(b), the incumbent will hold over office beyond 2 January and until their successor takes up office on the Monday immediately following the declaration of their election. Any action taken by the incumbent while holding over office shall not be invalidated merely because they have been held over in the position in accordance with these rules.

(c) Nominations for the above positions shall be called by the Returning Officer by notification in the union journal and the Divisional and relevant Divisional Branch website. Where a Divisional Branch printed journal is not scheduled for publication within two weeks of the opening of nominations then the website notification shall suffice. Alternatively, notice may be given to members by publication in one daily newspaper circulating in the Divisional Branch area on or before the last day of August in the year of the election.

Provided that such notifications shall clearly indicate that the Divisional Executive members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations must be lodged with the Returning Officer before the close of nominations at the address and by the methods specified on the notice of election. Nomination forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Returning Officer to fill any vacancy or vacancies the Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time

and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within one day of the closing of nominations, a certified list of financial members entitled to vote to the Returning Officer.

(n) The Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Returning Officer shall post to each member eligible to vote by pre-paid post all ballot papers. The ballot papers shall be posted to ensure eligible members receive them not less than 14 days before the closing of the ballot.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Returning Officer, c/- the post office box named on the reply envelope. The post

office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Returning Officer shall collect the returned ballot papers and keep them securely under their custody until the commencement of the count.

(s) The Returning Officer shall advise scrutineer/s of a secure space and location where the count shall occur. If the AEC is conducting the election, the counting of the ballot shall take place on AEC premises. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.

(u) (i) The Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post.

The Returning Officer's report to the Divisional Executive shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot, or otherwise in accordance with rule 38(b), and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot.

They shall obey any directions given to them by the Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Returning Officer shall conduct an election in accordance with the rules, with any
necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 – PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 – SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Northern Territory Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the

Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.
Camden Zone:	3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.
Country Zone:	3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

The counties referred to in this sub-rule are as defined in accordance with the NSW lands administrative divisions.

(ii) (A) Without affecting the term of office of the Divisional Branch Council members of the QNTDB elected to office at the 2016 Divisional Branch elections, on and from the date of certification of this sub-rule, and thereafter, the Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) two (2) Divisional Branch Senior Vice-Presidents;
(iii) two (2) Divisional Branch Vice-Presidents;
(iv) the Divisional Branch Secretary;
(v) the Divisional Branch Assistant Secretaries;
(vi) two (2) Divisional Branch Executive Members;
(vii) 12 members on the Divisional Branch Council who shall be elected by and from the three sub-groups as follows:

(a) eight (8) Divisional Branch Council members who shall be elected by, and from, the members who reside in South East Queensland;

(b) three (3) Divisional Branch Council Members who shall be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) one(1) Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory, subject to the:

1. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) if the Divisional Branch President resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) if the Divisional Branch President resides in Regional Queensland;

c. under paragraph (vii)(c) being reduced by one (1) if the Divisional Branch President resides in the Northern Territory;

2. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) or more if one (1) or more of the Divisional Branch Senior Vice Presidents resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) or more if one (1) or more of the Divisional Branch Senior Vice Presidents resides in Regional Queensland; and/or

c. under paragraph (vii)(c) being reduced by one (1) if a Divisional Branch Senior Vice President resides in the Northern Territory;

3. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) or more if one (1) or more of the Divisional Branch Executive Members resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) or more if one (1) or more of the Divisional Branch Executive Members resides in Regional Queensland; and/or

c. under paragraph (vii)(c) being reduced by one (1) or more if a Divisional Branch Executive Member resides in the Northern Territory;

(B) The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, the Divisional Branch President and the Divisional Branch Senior Vice-Presidents shall, subject to this sub-rule, be elected by and from Members of the QNTDB, who are eligible to nominate and vote in accordance with these Rules.

(C) The Divisional Branch Council may, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine whether the office of Divisional Branch President is to be held on an honorary or full-time basis following the quadrennial election, provided that for the purposes of the quadrennial election to be held in 2020, the office of Divisional Branch President is to be honorary.

(D) The Divisional Branch Senior Vice Presidents and the Divisional Branch Executive Members shall, subject to this sub-rule, be elected by and from members of the QNTDB, who are eligible to nominate and vote in accordance with these rules.

(E) The Divisional Branch Assistant Secretary (Painters) (if any) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, the members of the QNTDB, who are eligible for membership under National Rule 2(A)(b) and entitled to vote.

(F) The Divisional Branch Assistant Secretary (Plasterers) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, the members of the QNTDB, who are eligible for membership under National Rule 2(A)(a)(ii) and entitled to vote.

(G) The Divisional Branch Assistant Secretaries (General) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, all members of the QNTDB, who are entitled to vote.

(H) The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

(I) The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

(J) The Divisional Branch Council will, at its first meeting held following a quadrennial election, elect from its members two (2) Divisional Branch Vice-Presidents and:

(i) the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9; and

(ii) Divisional Branch Vice-Presidents will not, apart from holding the office of Divisional Branch Council Member, hold any other office in the QNTDB.

(K) Despite sub-rule (I):

(i) the Divisional Branch Council may determine that a full time office of Divisional Branch Assistant Secretary will, with the consent of the incumbent in that office, revert to an honorary office; and

(ii) where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Executive may, prior to filling the vacancy pursuant to these Rules, resolve whether the office will be abolished or whether it is to be filled on an honorary or full-time basis.

(L) Despite sub-rule (C):

(i) the Divisional Branch Council may determine that a full time office of Divisional Branch President will, with the consent of the incumbent in that office, revert to an honorary office; and

(ii) where a casual vacancy arises in an office of Divisional Branch President, the Divisional Branch Executive may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(M) For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council;

(s) Torres Strait & Torres Strait Regional Council;

(t) Shire of Mareeba; and

(u) Shire of Douglas.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Noosa;

(h) Redland;

(i) Scenic Rim;

(j) Somerset; and

(k) Sunshine Coast.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker

(metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

(b) The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Returning Officer and a Deputy Returning Officer, who shall act in the absence of the Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Returning Officer shall hold office until a successor thereto is duly appointed. The Returning Officer shall have absolute control of any election or appointment.

(ii) The Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 – MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 – DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) (A) In the QNTDB there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. two (2) Divisional Branch Senior Vice-Presidents;

C. two (2) Divisional Branch Vice-Presidents;

D. Divisional Branch Secretary;

E. Divisional Branch Assistant Secretaries; and

F. two (2) Divisional Branch Executive Members.

(B) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Northern Territory Divisional Branch be taken so far as the context allows to be a reference to the Queensland Northern Territory Divisional Branch Executive established in accordance with this sub-rule.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) On and from 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional

Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office (or otherwise in accordance with rule 38(b)). Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or

employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A – DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

(i) In the Victoria-Tasmania Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA). Provided however that on and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B – DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

(i) On and from the date of certification of this sub-rule and until 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, there shall be a Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch, (Tasmania Sub-Branch), the members of which shall consist of the following persons who were, immediately prior to this rule taking effect, members of the Tasmanian Divisional Branch Management Committee:-

Name	Office Held within Tasmanian Divisional Branch	Office Held within Victoria-Tasmania Divisional Branch
Bill White	Divisional Branch Secretary	Sub-Branch Secretary
Dale Cracknell	Divisional Branch President	Sub-Branch President
Michael Van de Kamp	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Michael Norris	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Mick Huxley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Roy Smedley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Paul Rainey	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Dickie Post	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member

(ii) On and from 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(iii) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch. Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only. Further provided that the Victoria-Tasmania Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Tasmanian Divisional Branch and the Victorian Divisional Branch immediately prior to the certification of this sub-rule.

43 – DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In the New South Wales Divisional Branch and the Victoria-Tasmania Divisional Branch, the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 – DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, the Queensland and Northern Territory Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 – DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter (or in the event of a delay in the conduct of an election, in accordance with rule 38(b)). In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the Divisional Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the Divisional Branch Assistant Secretary.

The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 – DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Branch Office, together with a statement of the assets and liabilities of the Divisional Branch Office for the financial year ending 31st December. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 – (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A – DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

48B – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E – DELETED

48F – DIVISIONAL BRANCH SENIOR VICE-PRESIDENTS/DIVISIONAL BRANCH VICE-PRESIDENTS (QUEENSLAND)

(i) This rule applies only in relation to the QNTDB and notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers.

(ii) In the QNTDB there shall be two Divisional Branch Senior Vice-Presidents one of whom shall, in the absence of the Divisional Branch President, preside at meetings of, or convened by, the Divisional Branch Council or Divisional Branch Executive. The Divisional Branch Executive will determine, for the purposes of this sub-rule, which of the Divisional Senior Vice-Presidents is to so act.

(iii) The Divisional Branch Senior Vice-Presidents in the QNTDB shall have such other duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

(iv) The Divisional Branch Vice-Presidents in the QNTDB shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

49 – FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 – DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 – REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 – DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 – MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 – PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 – APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 – DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 – SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 – VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 – ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 – TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 – FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 – CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 – RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 – STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 – INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 – DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 – REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 – SPECIAL RULES

(iA) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elect to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(iB) (a) The purpose of this rule is to provide for:

(i) the merger of the QNTDB with the QBLDB to constitute on commencement day, the QNTDB; and

(ii) the conduct of the first election for the offices of the QNTDB in the year 2016 ("the 2016 elections").

(b) This rule shall apply notwithstanding any other provision of these Divisional Rules.

(c) The provisions of this rule provide for the merger and shall take effect on, and from, either the 3rd January 2014 or the day after the General Manager of the Fair Work Commission certifies them, whichever is the later ("the commencement day").

(d) The QNTDB, and the members attached to it, shall comply with the provisions of this rule severally.

(e) On, and from, the commencement day, the QNTDB and the QBLDB shall be merged to form the Queensland-Northern Territory Divisional Branch.

(f) On commencement day the financial members of the QNTDB shall, despite rule 40(2)(ii)(C), be represented in the offices set out in column B by the persons holding the office set out in column A on the day immediately preceding the commencement day in respectively the QNTDB or the QBLDB:

A	B
Divisional Branch Secretary - QBLDB	Divisional Branch President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch President - QBLDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Assistant Secretary - QBLDB	Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch

Divisional Branch Vice President - QBLDB	Divisional Branch Vice President and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Trustees - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Treasurer - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Guardian - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Executive Members - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch President - QNTDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Vice-President - QNTDB	Divisional Branch Vice President (Construction Workers Divisional Branch) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Secretary - QNTDB	Divisional Branch Secretary Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Plasterers) - QNTDB	Divisional Branch Assistant Secretary (Plasterers) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Painters) - QNTDB	Divisional Branch Assistant Secretary (Painters) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch

Divisional Branch Assistant Secretary (General) - QNTDB	Divisional Branch Assistant Secretary (General) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Executive Member - QNTDB	Divisional Branch Executive Member and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (South East Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Regional Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Northern Territory) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch

and such persons as referred to in Column A herein shall, subject to these Divisional Rules, continue to hold the office in the merged Divisional Branch as described in Column B herein, until their successor takes office following the 2016 elections.

(h) The officers of the Divisional Branch Council of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Management Committee, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(i) The officers of the Divisional Branch Executive of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Executive, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive and who are by operation of these rules, members of the QNTDB Divisional Branch Executive on and from commencement day, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting.

(j) A member of the QNTDB, who becomes a member on, or following, the commencement day is liable to pay subscriptions and fees in accordance with these Divisional Rules.

(k) There shall be an inaugural meeting of the Divisional Branch Council of the QNTDB to be held within two (2) months of the commencement day.

(l) There shall be an inaugural meeting of the Divisional Branch Executive of the QNTDB to be held within one (1) month of the commencement day.

(m) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QBLDB contiguous with periods of financial membership with the QNTDB.

(n) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QCWDB contiguous with periods of financial membership with the QNTDB.

(o) At meetings of the Divisional Branch Council and Divisional Branch Executive of the QNTDB, quorum shall be as provided by rules 41(a) and 42(b) respectively provided however that for the purposes of quorum at least one (1) member must be a person who was a member of the QBLDB on the day immediately preceding amalgamation day and at least one (1) member must be a person who was a member of the QNTDB on the day immediately preceding amalgamation day.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

105N-BWIU: Incorporates alterations of 25 May 2021 [R2021/74]
(replaces rulebook dated 10 February 2021 [R2020/204])

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 79 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

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CONSTRUCTION AND GENERAL DIVISION RULES

1 – NAME

The name of the Division shall be "the Construction and General Division".

2 – ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 – DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

“commencement day” means the date provided by rule 69(iB)(c)

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“QBLDB” means the Queensland Builders Labourers Divisional Branch.

“QNTDB” means the Queensland Northern Territory Divisional Branch.

“UNFINANCIAL DIVISIONAL BRANCH” shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 – MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

(viii) Any person who, at the date of certification of this sub-rule, is a member of the Victorian Divisional Branch or the Tasmanian Divisional Branch shall be and become a member of the Victoria-Tasmania Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Tasmanian Divisional Branch or the Victorian Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania Divisional Branch. Further provided that the period of membership of the Victoria-Tasmania Divisional Branch shall be the same as that held by such members within the Victorian Divisional Branch or Tasmanian Divisional Branch, as the case may be.

(ix) Any person who, at the date of certification of this sub-rule, is a member of the QBLDB shall become a member of the QNTDB and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the QBLDB as at the date this rule takes effect shall become an amount owing to the QNTDB. Further provided that the period of membership of the QNTDB shall be the same as that held by such members within the QBLDB.

5 – ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 – CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 – SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 – SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

Provided that if at any time there is no longer an office of Divisional Branch Assistant Secretary (Plasterer) in the Australian Capital Territory Divisional Branch, the Divisional Branch Assistant Secretary of that Branch shall, by virtue of that office, be a delegate to Divisional Conference.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate’s proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viiA) Those members of the QNTDB and the QBLDB who held office as Divisional Conference Delegates on the day preceding the commencement day shall continue in office and be Divisional Conference Delegates for the QNTDB.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 – DIVISIONAL EXECUTIVE

1.A For the purpose of the quadrennial Divisional elections to be held in 2013 and thereafter, the Divisional Executive shall be composed of one (1) Divisional President, one (1) Divisional Senior Vice President, one (1) Divisional Vice President, one (1) Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, provided that in addition to the Divisional Executive members referred to in the immediately preceding paragraph, there shall be an additional Divisional Executive member for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch. For the purpose of this sub-rule the number of financial members shall be the number of such members as at 31 March in the year of the election. Such additional Divisional Executive members shall, notwithstanding sub-rule 2 herein, be nominated and elected by and from the Divisional Conference delegates from the relevant Divisional Branches to which those offices relate, such election to be conducted at the same time as the election of the Divisional Executive members referred to in the preceding paragraph.

Further provided that immediately following the declaration of the result of the election/ballot in accordance with sub-rules 7 or 11 herein, as the case may be, the Divisional Returning Officer shall call for nominations from the newly elected Divisional Executive members, other than the Divisional President, Divisional Senior Vice President, Divisional Secretary and Divisional Assistant Secretaries, for the office of Divisional Vice-President, and if necessary, conduct a ballot to determine that position.

2. Except for the filling of extraordinary vacancies and the office of Divisional Vice-President, the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

4A. In addition, the Divisional Returning Officer shall have the conduct of the election of two (2) members of the National Women's Committee in accordance with rule 13B of the National Rules of the Union and according to the process set out in sub-rules (5)-(12) below.

The two (2) National Women's Committee member positions must be held by women and shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter, and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

To be clear, the two (2) National Women's Committee members are not members of the Divisional Executive.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. -The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1A hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

The ballot for the two (2) members of the National Women's Committee shall be dealt with and completed.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in a year in which an election is required in accordance with these rules or until the Sunday immediately following the declaration of their successor's election at Divisional Conference (whichever is later).

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

(c) For the avoidance of doubt, on and from the date of certification of this sub-rule 14(c), the provisions of this sub-rule 14 shall apply to the filling of any casual vacancy occurring in the office of Senior Vice-President as a result of death, resignation, retirement, dismissal or for any other reason.

(d) For the avoidance of doubt, on and from the date of certification of this sub-rule 14(d), the provisions of this sub-rule 14 shall apply to the filling of any casual vacancy occurring in the National Women's Committee positions as a result of death, resignation, retirement, dismissal or for any other reason.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-President and Divisional Vice-President) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 – REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 – REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 – VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 – DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each financial year. Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 – FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 – AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each financial year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 – ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 – RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 – DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch)

Provided however that the operation of the Victoria-Tasmania Divisional Branch shall be reviewed by the Divisional Executive with a view to re-establishing separate Divisional Branches in the States of Victoria and Tasmania where, in the opinion of the Divisional Executive, the establishment of such separate Divisional Branches is in the interests of the members in those states and the Division as a whole. Such a review shall be completed within three (3) years of the declaration of the ballot for the Divisional Branch elections in 2012.

(ii) Notwithstanding any other rule to the contrary, the Divisional Branch President and the Divisional Branch Secretary of the former Tasmanian Divisional Branch shall upon the establishment of the Victoria-Tasmania Divisional Branch and until the declaration of the Divisional Branch elections in 2012, be and remain delegates to the Divisional Conference of the CFMEU, Construction and General Division.

(c) In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 – DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 – EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 – SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 – DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 – PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 – RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 – LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 – VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 – STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 – NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

29 – ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Northern Territory Divisional Branch.

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria or Tasmania shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania Divisional Branch.

30 – MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependent upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Northern Territory Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Northern Territory Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 – ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 – CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Subject to sub-rule (cA), notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

(cA)

(i) This rule applies to members attached to the QNTDB and applies notwithstanding the provisions of sub-rule (c).

(ii) Notwithstanding anything elsewhere in the rules, a member of the QNTDB who:

(a) has paid the entrance fee;

(b) commenced on, and makes payment in accordance with, a Scheme, and

(c) either:

(A) has made payment of all Membership Contributions immediately prior to commencing on a Scheme; or

(B) has authorised the deduction of an amount that will result in the payment of all Membership Contributions within six (6) months of commencing on a Scheme or with such longer period as the Divisional Branch Secretary permits,

will be a financial member and will be entitled to all the benefits of membership including the right to vote.

(iii) A member making payment of their Membership Contributions in accordance with:

(a) a payroll deduction scheme will be unfinancial if in arrears for a period of three (3) months after the last payment under the payroll deduction scheme was received; or

(b) a direct debit scheme will be unfinancial if in arrears of two (2) Periodic Payments.

(iv) For the purposes of this rule:

(a) ‘Direct Debit Scheme’ means a scheme where a member provides written authority for contributions payable to the QNTDB to be deducted, on such regular basis as the Divisional Branch Secretary agrees, from the member’s financial institution, similar debit account or credit card;

(b) ‘Membership Contribution’ means entrance fees, subscriptions and levies in accordance with these Divisional Rules;

(c) ‘Payroll Deduction Scheme’ means a scheme where a member provides written authority to their employer for contributions payable to the QNTDB to be deducted, on such regular basis as the Divisional Branch Secretary agrees, from the member’s salary;

(d) ‘Periodic Payment’ means a payment required to be made by a member of the QNTDB at the frequency authorised in their written authority; and

(e) ‘Scheme’ means a Payroll Deduction Scheme or a Direct Debit Scheme.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (cA) and (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 – COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 – AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 – FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there shall be established funds to be known as the Benefit Fund and Contingent Fund, which shall be used exclusively for the purpose set out in the rule covering these funds and shall not be used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of this Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 – AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every financial year to and including the last day of December of each financial year. Such auditor shall also produce and certify a yearly balance sheet. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 – OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) Without affecting the term of office of persons holding office as Divisional Branch Officers in the QNTDB and the QBLDB immediately prior to the date of certification of this sub-rule, in the QNTDB the officers of the Divisional Branch shall, on and from 3 January 2014 and as a result of the merger of the QNTDB and the QBLDB, consist of the Divisional Branch President, two (2) Divisional Branch Senior Vice-Presidents (which positions shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and two Divisional Branch Executive Members.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary, Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, 4 Divisional Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, a Divisional Branch Assistant Secretary, a Divisional Branch Senior Vice-President (FEDFA), a Divisional Branch Assistant Secretary (FEDFA), (both of which shall be paid, full-time positions), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

38 – DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(iA) In relation to the South Australian Divisional Branch only, subrules (a)(i)(B) and (C) and the scale in sub-rule (a)(vi) will not apply to the filling of any casual vacancy that exists at the time of this rule change, or to any casual vacancy that may arise prior to nominations being called for the Divisional Branch election to be held in 2024.

For the avoidance of doubt, a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, and will be filled in accordance with r38(cc).

Further, in relation to the South Australian Divisional Branch only, the offices which are identified in sub-rule (a)(vi) which require 3 years' continuous financial membership of the Branch will only require 1 year's continuous financial membership for the purposes of eligibility in the Divisional Branch election to be held in 2024 only.

Further, for the purposes of the Divisional Branch elections to be held in 2024 for the South Australian Divisional Branch only:

(i) for the purposes of subrules (a)(i)(B) and (a)(vi), 1 years continuous financial membership may be of any Divisional Branch (including, but not limited to, the South Australian Divisional Branch) including continuous financial membership of more than one Divisional Branch; and

(ii) for the purposes of sub-rule (a)(i)(C)(i), a person will be eligible if they have been engaged as an officer (as defined in rule 37), or as an employee, of any Divisional Branch (or in any state registered counterpart organisation thereto) including, but not limited to, the South Australian Divisional Branch.

(iB) In relation to the Victoria-Tasmania Divisional Branch only, the offices of Divisional Branch Senior Vice President and Divisional Branch Vice President which are identified in sub-rule (a)(vi) as requiring 3 years' continuous financial membership of the Branch will only require 2 years' continuous financial membership for the purposes of eligibility in the Divisional Branch election to be held in 2020 only.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Returning Officer shall seek from the member an election as to which position the member wishes to contest.
Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Secretary/Treasurer	)
Divisional Branch Assistant Secretary	)
Divisional Branch President	) 3 years'
Divisional Branch Senior Vice-	) continuous financial
President and Vice President	) membership
Divisional Branch Delegate to	)
Divisional Conference	)

Divisional Branch Management	)
Committee Member	) 1 year's
District Secretary/Organiser	) continuous financial
Organiser	) membership
Sub-Branch Secretary, President,	)
Or Management Committee Member	)
Divisional Branch Trustee (South	)
Australia and Queensland Builders	)
Labourers' Divisional Branches)	)

Divisional Branch Councillor,	) financial
representatives	) membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election. In the event that a delay in the conduct of an election means that the results for an office are not declared until after 2 January, the successful candidate(s) shall take up office on the Monday immediately following the declaration of their election. In circumstances where the results for an office are declared after 2 January, the term of the candidate will be reduced by the length of the delay to ensure that there is no disruption to the next scheduled Divisional Branch election under these rules.

(b)(i) In the event that there is a delay of the kind described in rule 38(b), the incumbent will hold over office beyond 2 January and until their successor takes up office on the Monday immediately following the declaration of their election. Any action taken by the incumbent while holding over office shall not be invalidated merely because they have been held over in the position in accordance with these rules.

(c) Nominations for the above positions shall be called by the Returning Officer by notification in the union journal and the Divisional and relevant Divisional Branch website. Where a Divisional Branch printed journal is not scheduled for publication within two weeks of the opening of nominations then the website notification shall suffice. Alternatively, notice may be given to members by publication in one daily newspaper circulating in the Divisional Branch area on or before the last day of August in the year of the election.

Provided that such notifications shall clearly indicate that the Divisional Executive members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations must be lodged with the Returning Officer before the close of nominations at the address and by the methods specified on the notice of election. Nomination forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Returning Officer to fill any vacancy or vacancies the Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time

and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within one day of the closing of nominations, a certified list of financial members entitled to vote to the Returning Officer.

(n) The Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Returning Officer shall post to each member eligible to vote by pre-paid post all ballot papers. The ballot papers shall be posted to ensure eligible members receive them not less than 14 days before the closing of the ballot.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Returning Officer, c/- the post office box named on the reply envelope. The post

office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Returning Officer shall collect the returned ballot papers and keep them securely under their custody until the commencement of the count.

(s) The Returning Officer shall advise scrutineer/s of a secure space and location where the count shall occur. If the AEC is conducting the election, the counting of the ballot shall take place on AEC premises. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.

(u) (i) The Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post.

The Returning Officer's report to the Divisional Executive shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot, or otherwise in accordance with rule 38(b), and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot.

They shall obey any directions given to them by the Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Returning Officer shall conduct an election in accordance with the rules, with any
necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 – PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 – SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Northern Territory Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the

Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.
Camden Zone:	3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.
Country Zone:	3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

The counties referred to in this sub-rule are as defined in accordance with the NSW lands administrative divisions.

(ii) (A) Without affecting the term of office of the Divisional Branch Council members of the QNTDB elected to office at the 2016 Divisional Branch elections, on and from the date of certification of this sub-rule, and thereafter, the Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) two (2) Divisional Branch Senior Vice-Presidents;
(iii) two (2) Divisional Branch Vice-Presidents;
(iv) the Divisional Branch Secretary;
(v) the Divisional Branch Assistant Secretaries;
(vi) two (2) Divisional Branch Executive Members;
(vii) 12 members on the Divisional Branch Council who shall be elected by and from the three sub-groups as follows:

(a) eight (8) Divisional Branch Council members who shall be elected by, and from, the members who reside in South East Queensland;

(b) three (3) Divisional Branch Council Members who shall be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) one(1) Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory, subject to the:

1. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) if the Divisional Branch President resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) if the Divisional Branch President resides in Regional Queensland;

c. under paragraph (vii)(c) being reduced by one (1) if the Divisional Branch President resides in the Northern Territory;

2. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) or more if one (1) or more of the Divisional Branch Senior Vice Presidents resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) or more if one (1) or more of the Divisional Branch Senior Vice Presidents resides in Regional Queensland; and/or

c. under paragraph (vii)(c) being reduced by one (1) if a Divisional Branch Senior Vice President resides in the Northern Territory;

3. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) or more if one (1) or more of the Divisional Branch Executive Members resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) or more if one (1) or more of the Divisional Branch Executive Members resides in Regional Queensland; and/or

c. under paragraph (vii)(c) being reduced by one (1) or more if a Divisional Branch Executive Member resides in the Northern Territory;

(B) The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, the Divisional Branch President and the Divisional Branch Senior Vice-Presidents shall, subject to this sub-rule, be elected by and from Members of the QNTDB, who are eligible to nominate and vote in accordance with these Rules.

(C) The Divisional Branch Council may, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine whether the office of Divisional Branch President is to be held on an honorary or full-time basis following the quadrennial election, provided that for the purposes of the quadrennial election to be held in 2020, the office of Divisional Branch President is to be honorary.

(D) The Divisional Branch Senior Vice Presidents and the Divisional Branch Executive Members shall, subject to this sub-rule, be elected by and from members of the QNTDB, who are eligible to nominate and vote in accordance with these rules.

(E) The Divisional Branch Assistant Secretary (Painters) (if any) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, the members of the QNTDB, who are eligible for membership under National Rule 2(A)(b) and entitled to vote.

(F) The Divisional Branch Assistant Secretary (Plasterers) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, the members of the QNTDB, who are eligible for membership under National Rule 2(A)(a)(ii) and entitled to vote.

(G) The Divisional Branch Assistant Secretaries (General) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, all members of the QNTDB, who are entitled to vote.

(H) The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

(I) The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

(J) The Divisional Branch Council will, at its first meeting held following a quadrennial election, elect from its members two (2) Divisional Branch Vice-Presidents and:

(i) the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9; and

(ii) Divisional Branch Vice-Presidents will not, apart from holding the office of Divisional Branch Council Member, hold any other office in the QNTDB.

(K) Despite sub-rule (I):

(i) the Divisional Branch Council may determine that a full time office of Divisional Branch Assistant Secretary will, with the consent of the incumbent in that office, revert to an honorary office; and

(ii) where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Executive may, prior to filling the vacancy pursuant to these Rules, resolve whether the office will be abolished or whether it is to be filled on an honorary or full-time basis.

(L) Despite sub-rule (C):

(i) the Divisional Branch Council may determine that a full time office of Divisional Branch President will, with the consent of the incumbent in that office, revert to an honorary office; and

(ii) where a casual vacancy arises in an office of Divisional Branch President, the Divisional Branch Executive may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(M) For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council;

(s) Torres Strait & Torres Strait Regional Council;

(t) Shire of Mareeba; and

(u) Shire of Douglas.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Noosa;

(h) Redland;

(i) Scenic Rim;

(j) Somerset; and

(k) Sunshine Coast.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker

(metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

(b) The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Returning Officer and a Deputy Returning Officer, who shall act in the absence of the Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Returning Officer shall hold office until a successor thereto is duly appointed. The Returning Officer shall have absolute control of any election or appointment.

(ii) The Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 – MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.

Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 – DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) (A) In the QNTDB there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. two (2) Divisional Branch Senior Vice-Presidents;

C. two (2) Divisional Branch Vice-Presidents;

D. Divisional Branch Secretary;

E. Divisional Branch Assistant Secretaries; and

F. two (2) Divisional Branch Executive Members.

(B) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Northern Territory Divisional Branch be taken so far as the context allows to be a reference to the Queensland Northern Territory Divisional Branch Executive established in accordance with this sub-rule.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) On and from 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional

Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office (or otherwise in accordance with rule 38(b)). Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or

employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A – DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

(i) In the Victoria-Tasmania Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA). Provided however that on and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B – DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

(i) On and from the date of certification of this sub-rule and until 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, there shall be a Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch, (Tasmania Sub-Branch), the members of which shall consist of the following persons who were, immediately prior to this rule taking effect, members of the Tasmanian Divisional Branch Management Committee:-

Name	Office Held within Tasmanian Divisional Branch	Office Held within Victoria-Tasmania Divisional Branch
Bill White	Divisional Branch Secretary	Sub-Branch Secretary
Dale Cracknell	Divisional Branch President	Sub-Branch President
Michael Van de Kamp	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Michael Norris	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Mick Huxley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Roy Smedley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Paul Rainey	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Dickie Post	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member

(ii) On and from 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(iii) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch. Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only. Further provided that the Victoria-Tasmania Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Tasmanian Divisional Branch and the Victorian Divisional Branch immediately prior to the certification of this sub-rule.

43 – DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In the New South Wales Divisional Branch and the Victoria-Tasmania Divisional Branch, the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 – DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, the Queensland and Northern Territory Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 – DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter (or in the event of a delay in the conduct of an election, in accordance with rule 38(b)). In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the Divisional Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the Divisional Branch Assistant Secretary.

The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 – DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Branch Office, together with a statement of the assets and liabilities of the Divisional Branch Office for the financial year ending 31st December. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 – (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A – DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

48B – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E – DELETED

48F – DIVISIONAL BRANCH SENIOR VICE-PRESIDENTS/DIVISIONAL BRANCH VICE-PRESIDENTS (QUEENSLAND)

(i) This rule applies only in relation to the QNTDB and notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers.

(ii) In the QNTDB there shall be two Divisional Branch Senior Vice-Presidents one of whom shall, in the absence of the Divisional Branch President, preside at meetings of, or convened by, the Divisional Branch Council or Divisional Branch Executive. The Divisional Branch Executive will determine, for the purposes of this sub-rule, which of the Divisional Senior Vice-Presidents is to so act.

(iii) The Divisional Branch Senior Vice-Presidents in the QNTDB shall have such other duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

(iv) The Divisional Branch Vice-Presidents in the QNTDB shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

49 – FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 – DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 – REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 – DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 – MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 – PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 – APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 – DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 – SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 – VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 – ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 – TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 – FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 – CONTINGENT FUND

The Contingent Fund may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 – RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 – STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 – INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 – DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 – REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 – SPECIAL RULES

(iA) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elect to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(iB) (a) The purpose of this rule is to provide for:

(i) the merger of the QNTDB with the QBLDB to constitute on commencement day, the QNTDB; and

(ii) the conduct of the first election for the offices of the QNTDB in the year 2016 ("the 2016 elections").

(b) This rule shall apply notwithstanding any other provision of these Divisional Rules.

(c) The provisions of this rule provide for the merger and shall take effect on, and from, either the 3rd January 2014 or the day after the General Manager of the Fair Work Commission certifies them, whichever is the later ("the commencement day").

(d) The QNTDB, and the members attached to it, shall comply with the provisions of this rule severally.

(e) On, and from, the commencement day, the QNTDB and the QBLDB shall be merged to form the Queensland-Northern Territory Divisional Branch.

(f) On commencement day the financial members of the QNTDB shall, despite rule 40(2)(ii)(C), be represented in the offices set out in column B by the persons holding the office set out in column A on the day immediately preceding the commencement day in respectively the QNTDB or the QBLDB:

A	B
Divisional Branch Secretary - QBLDB	Divisional Branch President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch President - QBLDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Assistant Secretary - QBLDB	Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch

Divisional Branch Vice President - QBLDB	Divisional Branch Vice President and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Trustees - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Treasurer - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Guardian - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Executive Members - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch President - QNTDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Vice-President - QNTDB	Divisional Branch Vice President (Construction Workers Divisional Branch) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Secretary - QNTDB	Divisional Branch Secretary Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Plasterers) - QNTDB	Divisional Branch Assistant Secretary (Plasterers) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Painters) - QNTDB	Divisional Branch Assistant Secretary (Painters) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch

Divisional Branch Assistant Secretary (General) - QNTDB	Divisional Branch Assistant Secretary (General) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Executive Member - QNTDB	Divisional Branch Executive Member and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (South East Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Regional Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Northern Territory) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch

and such persons as referred to in Column A herein shall, subject to these Divisional Rules, continue to hold the office in the merged Divisional Branch as described in Column B herein, until their successor takes office following the 2016 elections.

(h) The officers of the Divisional Branch Council of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Management Committee, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(i) The officers of the Divisional Branch Executive of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Executive, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive and who are by operation of these rules, members of the QNTDB Divisional Branch Executive on and from commencement day, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting.

(j) A member of the QNTDB, who becomes a member on, or following, the commencement day is liable to pay subscriptions and fees in accordance with these Divisional Rules.

(k) There shall be an inaugural meeting of the Divisional Branch Council of the QNTDB to be held within two (2) months of the commencement day.

(l) There shall be an inaugural meeting of the Divisional Branch Executive of the QNTDB to be held within one (1) month of the commencement day.

(m) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QBLDB contiguous with periods of financial membership with the QNTDB.

(n) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QCWDB contiguous with periods of financial membership with the QNTDB.

(o) At meetings of the Divisional Branch Council and Divisional Branch Executive of the QNTDB, quorum shall be as provided by rules 41(a) and 42(b) respectively provided however that for the purposes of quorum at least one (1) member must be a person who was a member of the QBLDB on the day immediately preceding amalgamation day and at least one (1) member must be a person who was a member of the QNTDB on the day immediately preceding amalgamation day.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

105N-BWIU: Incorporates alterations of 25 January 2022 [R2021/181 & R2021/215]
(replaces rulebook dated 25 May 2021 [R2021/74])

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 75 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 – NAME

The name of the Division shall be "the Construction and General Division".

2 – ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 – DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

“commencement day” means the date provided by rule 69(iB)(c)

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“QBLDB” means the Queensland Builders Labourers Divisional Branch.

“QNTDB” means the Queensland Northern Territory Divisional Branch.

“UNFINANCIAL DIVISIONAL BRANCH” shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 – MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

(viii) Any person who, at the date of certification of this sub-rule, is a member of the Victorian Divisional Branch or the Tasmanian Divisional Branch shall be and become a member of the Victoria-Tasmania Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Tasmanian Divisional Branch or the Victorian Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania Divisional Branch. Further provided that the period of membership of the Victoria-Tasmania Divisional Branch shall be the same as that held by such members within the Victorian Divisional Branch or Tasmanian Divisional Branch, as the case may be.

(ix) Any person who, at the date of certification of this sub-rule, is a member of the QBLDB shall become a member of the QNTDB and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the QBLDB as at the date this rule takes effect shall become an amount owing to the QNTDB. Further provided that the period of membership of the QNTDB shall be the same as that held by such members within the QBLDB.

5 – ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 – CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 – SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 – SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

Provided that if at any time there is no longer an office of Divisional Branch Assistant Secretary (Plasterer) in the Australian Capital Territory Divisional Branch, either of the following as determined by the ACT Branch Committee of Management at least three (3) months prior to the opening of nominations as prescribed by r.38 of these Rules, shall be a delegate to Divisional Conference:

- the Divisional Branch Assistant Secretary; or
- a delegate to be elected at the divisional branch elections as prescribed by r.38 of these rules.

For the avoidance of doubt, on and from the date of certification of this sub-rule, any casual vacancy occurring in the relevant National Conference Delegate position as a result of death, resignation, retirement, dismissal or for any other reason shall be filled either ex officio or via an election under Divisional Rule 38(cc) at the discretion of the ACT Branch Committee of Management.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate's proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viiA) Those members of the QNTDB and the QBLDB who held office as Divisional Conference Delegates on the day preceding the commencement day shall continue in office and be Divisional Conference Delegates for the QNTDB.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 – DIVISIONAL EXECUTIVE

1.A For the purpose of the quadrennial Divisional elections to be held in 2013 and thereafter, the Divisional Executive shall be composed of one (1) Divisional President, one (1) Divisional Senior Vice President, one (1) Divisional Vice President, one (1) Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, provided that in addition to the Divisional Executive members referred to in the immediately preceding paragraph, there shall be an additional Divisional Executive member for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch. For the purpose of this sub-rule the number of financial members shall be the number of such members as at 31 March in the year of the election. Such additional Divisional Executive members shall, notwithstanding sub-rule 2 herein, be nominated and elected by and from the Divisional Conference delegates from the relevant Divisional Branches to which those offices relate, such election to be conducted at the same time as the election of the Divisional Executive members referred to in the preceding paragraph.

Further provided that immediately following the declaration of the result of the election/ballot in accordance with sub-rules 7 or 11 herein, as the case may be, the Divisional Returning Officer shall call for nominations from the newly elected Divisional Executive members, other than the Divisional President, Divisional Senior Vice President, Divisional Secretary and Divisional Assistant Secretaries, for the office of Divisional Vice-President, and if necessary, conduct a ballot to determine that position.

2. Except for the filling of extraordinary vacancies and the office of Divisional Vice-President, the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

4A. In addition, the Divisional Returning Officer shall have the conduct of the election of two (2) members of the National Women's Committee in accordance with rule 13B of the National Rules of the Union and according to the process set out in sub-rules (5)-(12) below.

The two (2) National Women's Committee member positions must be held by women and shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter, and shall hold office until the date referred to in sub-rule 9.13(a) hereof.
To be clear, the two (2) National Women's Committee members are not members of the Divisional Executive.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. -The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1A hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

The ballot for the two (2) members of the National Women's Committee shall be dealt with and completed.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in a year in which an election is required in accordance with these rules or until the Sunday immediately following the declaration of their successor's election at Divisional Conference (whichever is later).

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates t Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

(c) For the avoidance of doubt, on and from the date of certification of this sub-rule 14(c), the provisions of this sub-rule 14 shall apply to the filling of any casual vacancy occurring in the office of Senior Vice-President as a result of death, resignation, retirement, dismissal or for any other reason.

(d) For the avoidance of doubt, on and from the date of certification of this sub-rule 14(d), the provisions of this sub-rule 14 shall apply to the filling of any casual vacancy occurring in the National Women's Committee positions as a result of death, resignation, retirement, dismissal or for any other reason.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless –

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-President and Divisional Vice-President) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 – REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 – REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 – VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 – DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each financial year. Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 – FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 – AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each financial year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 – ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 – RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 – DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch)

Provided however that the operation of the Victoria-Tasmania Divisional Branch shall be reviewed by the Divisional Executive with a view to re-establishing separate Divisional Branches in the States of Victoria and Tasmania where, in the opinion of the Divisional Executive, the establishment of such separate Divisional Branches is in the interests of the members in those states and the Division as a whole. Such a review shall be completed within three (3) years of the declaration of the ballot for the Divisional Branch elections in 2012.

(ii) Notwithstanding any other rule to the contrary, the Divisional Branch President and the Divisional Branch Secretary of the former Tasmanian Divisional Branch shall upon the establishment of the Victoria-Tasmania Divisional Branch and until the declaration of the Divisional Branch elections in 2012, be and remain delegates to the Divisional Conference of the CFMEU, Construction and General Division.

(c) In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 – DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 – EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 – SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 – DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 – PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 – RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 – LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 – VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 – STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 – NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

29 – ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Northern Territory Divisional Branch.

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria or Tasmania shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania Divisional Branch.

30 – MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependent upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Northern Territory Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Northern Territory Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 – ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 – CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Subject to sub-rule (cA), notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

(cA)

(i) This rule applies to members attached to the QNTDB and the SA Divisional Branch and applies notwithstanding the provisions of sub-rule (c).

(ii) Notwithstanding anything elsewhere in the rules, a member of the QNTDB or the SA Divisional Branch who:

(a) has paid the entrance fee;

(b) commenced on, and makes payment in accordance with, a Scheme, and

(c) either:

(A) has made payment of all Membership Contributions immediately prior to commencing on a Scheme; or

(B) has authorised the deduction of an amount that will result in the payment of all Membership Contributions within six (6) months of commencing on a Scheme or with such longer period as the Divisional Branch Secretary permits,

will be a financial member and will be entitled to all the benefits of membership including the right to vote.

(iii) A member making payment of their Membership Contributions in accordance with:

(a) a payroll deduction scheme will be unfinancial if in arrears for a period of three (3) months after the last payment under the payroll deduction scheme was received; or

(b) a direct debit scheme will be unfinancial if in arrears of two (2) Periodic Payments.

(iv) For the purposes of this rule:

(a) 'Direct Debit Scheme' means a scheme where a member provides written authority for contributions payable to the QNTDB or the SA Divisional Branch to be deducted, on such regular basis as the respective Divisional Branch Secretary agrees, from the member's financial institution, similar debit account or credit card;

(b) 'Membership Contribution' means entrance fees, subscriptions and levies in accordance with these Divisional Rules;

(c) 'Payroll Deduction Scheme' means a scheme where a member provides written authority to their employer for contributions payable to the QNTDB or the SA Divisional Branch to be deducted, on such regular basis as the respective Divisional Branch Secretary agrees, from the member's salary;

(d) 'Periodic Payment' means a payment required to be made by a member of the QNTDB or the SA Divisional Branch at the frequency authorised in their written authority; and

(e) 'Scheme' means a Payroll Deduction Scheme or a Direct Debit Scheme.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (cA) and (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 – COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 – AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 – FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there may be established funds to be known as the Benefit Fund and Contingent Fund, which are to be used exclusively for the purpose set out in the rule covering these funds and not used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of a Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of a Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 – AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every financial year to and including the last day of December of each financial year. Such auditor shall also produce and certify a yearly balance sheet. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 – OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) Without affecting the term of office of persons holding office as Divisional Branch Officers in the QNTDB and the QBLDB immediately prior to the date of certification of this sub-rule, in the QNTDB the officers of the Divisional Branch shall, on and from 3 January 2014 and as a result of the merger of the QNTDB and the QBLDB, consist of the Divisional Branch President, two (2) Divisional Branch Senior Vice-Presidents (which positions shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and two Divisional Branch Executive Members.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary, Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, 4 Divisional Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, a Divisional Branch Assistant Secretary, a Divisional Branch Senior Vice-President (FEDFA), a Divisional Branch Assistant Secretary (FEDFA), (both of which shall be paid, full-time positions), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

38 – DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(iA) In relation to the South Australian Divisional Branch only, subrules (a)(i)(B) and (C) and the scale in sub-rule (a)(vi) will not apply to the filling of any casual vacancy that exists at the time of this rule change, or to any casual vacancy that may arise prior to nominations being called for the Divisional Branch election to be held in 2024.

For the avoidance of doubt, a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, and will be filled in accordance with r38(cc).

Further, in relation to the South Australian Divisional Branch only, the offices which are identified in sub-rule (a)(vi) which require 3 years' continuous financial membership of the Branch will only require 1 year's continuous financial membership for the purposes of eligibility in the Divisional Branch election to be held in 2024 only.

Further, for the purposes of the Divisional Branch elections to be held in 2024 for the South Australian Divisional Branch only:

(i) for the purposes of subrules (a)(i)(B) and (a)(vi), 1 years continuous financial membership may be of any Divisional Branch (including, but not limited to, the South Australian Divisional Branch) including continuous financial membership of more than one Divisional Branch; and

(ii) for the purposes of sub-rule (a)(i)(C)(i), a person will be eligible if they have been engaged as an officer (as defined in rule 37), or as an employee, of any Divisional Branch (or in any state registered counterpart organisation thereto) including, but not limited to, the South Australian Divisional Branch.

(iB) In relation to the Victoria-Tasmania Divisional Branch only, the offices of Divisional Branch Senior Vice President and Divisional Branch Vice President which are identified in sub-rule (a)(vi) as requiring 3 years' continuous financial membership of the Branch will only require 2 years' continuous financial membership for the purposes of eligibility in the Divisional Branch election to be held in 2020 only.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary Divisional Branch Secretary/Treasurer Divisional Branch Assistant Secretary Divisional Branch President Divisional Branch Senior Vice-President and Vice President Divisional Branch Delegate to Divisional Conference	) 3 years' continuous financial membership
Divisional Branch Management Committee Member District Secretary/Organiser Organiser Sub-Branch Secretary, President, Or Management Committee Member Divisional Branch Trustee (South Australia and Queensland Builders Labourers' Divisional Branches)	) 1 year's continuous financial membership
Divisional Branch Councillor, representatives	) financial membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election. In the event that a delay in the conduct of an election means that the results for an office are not declared until after 2 January, the successful candidate(s) shall take up office on the Monday immediately following the declaration of their election. In circumstances where the results for an office are declared after 2 January, the term of the candidate will be reduced by the length of the delay to ensure that there is no disruption to the next scheduled Divisional Branch election under these rules.

(b)(i) In the event that there is a delay of the kind described in rule 38(b), the incumbent will hold over office beyond 2 January and until their successor takes up office on the Monday immediately following the declaration of their election. Any action taken by the incumbent while holding over office shall not be invalidated merely because they have been held over in the position in accordance with these rules.

(c) Nominations for the above positions shall be called by the Returning Officer by notification in the union journal and the Divisional and relevant Divisional Branch website. Where a Divisional Branch printed journal is not scheduled for publication within two weeks of the opening of nominations then the website notification shall suffice. Alternatively, notice may be given to members by publication in one daily newspaper circulating in the Divisional Branch area on or before the last day of August in the year of the election.

Provided that such notifications shall clearly indicate that the Divisional Executive members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations must be lodged with the Returning Officer before the close of nominations at the address and by the methods specified on the notice of election. Nomination forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Returning Officer to fill any vacancy or vacancies the Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within one day of the closing of nominations, a certified list of financial members entitled to vote to the Returning Officer.

(n) The Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Returning Officer shall post to each member eligible to vote by pre-paid post all ballot papers. The ballot papers shall be posted to ensure eligible members receive them not less than 14 days before the closing of the ballot.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Returning Officer shall collect the returned ballot papers and keep them securely under their custody until the commencement of the count.

(s) The Returning Officer shall advise scrutineer/s of a secure space and location where the count shall occur. If the AEC is conducting the election, the counting of the ballot shall take place on AEC premises. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.

(u) (i) The Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post.

The Returning Officer's report to the Divisional Executive shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot, or otherwise in accordance with rule 38(b), and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot.

They shall obey any directions given to them by the Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 – PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 – SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Northern Territory Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.
Camden Zone:	3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.
Country Zone:	3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

The counties referred to in this sub-rule are as defined in accordance with the NSW lands administrative divisions.

(ii) (A) Without affecting the term of office of the Divisional Branch Council members of the QNTDB elected to office at the 2016 Divisional Branch elections, on and from the date of certification of this sub-rule, and thereafter, the Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) two (2) Divisional Branch Senior Vice-Presidents;
(iii) two (2) Divisional Branch Vice-Presidents;
(iv) the Divisional Branch Secretary;
(v) the Divisional Branch Assistant Secretaries;
(vi) two (2) Divisional Branch Executive Members;
(vii) 12 members on the Divisional Branch Council who shall be elected by and from the three sub-groups as follows:

(a) eight (8) Divisional Branch Council members who shall be elected by, and from, the members who reside in South East Queensland;

(b) three (3) Divisional Branch Council Members who shall be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) one (1) Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory, subject to the:

1. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) if the Divisional Branch President resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) if the Divisional Branch President resides in Regional Queensland;

c. under paragraph (vii)(c) being reduced by one (1) if the Divisional Branch President resides in the Northern Territory;

2. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) or more if one (1) or more of the Divisional Branch Senior Vice Presidents resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) or more if one (1) or more of the Divisional Branch Senior Vice Presidents resides in Regional Queensland; and/or

c. under paragraph (vii)(c) being reduced by one (1) if a Divisional Branch Senior Vice President resides in the Northern Territory;

3. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) or more if one (1) or more of the Divisional Branch Executive Members resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) or more if one (1) or more of the Divisional Branch Executive Members resides in Regional Queensland; and/or

c. under paragraph (vii)(c) being reduced by one (1) or more if a Divisional Branch Executive Member resides in the Northern Territory;

(B) The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, the Divisional Branch President and the Divisional Branch Senior Vice-Presidents shall, subject to this sub-rule, be elected by and from Members of the QNTDB, who are eligible to nominate and vote in accordance with these Rules.

(C) The Divisional Branch Council may, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine whether the office of Divisional Branch President is to be held on an honorary or full-time basis following the quadrennial election, provided that for the purposes of the quadrennial election to be held in 2020, the office of Divisional Branch President is to be honorary.

(D) The Divisional Branch Senior Vice Presidents and the Divisional Branch Executive Members shall, subject to this sub-rule, be elected by and from members of the QNTDB, who are eligible to nominate and vote in accordance with these rules.

(E) The Divisional Branch Assistant Secretary (Painters) (if any) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, the members of the QNTDB, who are eligible for membership under National Rule 2(A)(b) and entitled to vote.

(F) The Divisional Branch Assistant Secretary (Plasterers) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, the members of the QNTDB, who are eligible for membership under National Rule 2(A)(a)(ii) and entitled to vote.

(G) The Divisional Branch Assistant Secretaries (General) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, all members of the QNTDB, who are entitled to vote.

(H) The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

(I) The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

(J) The Divisional Branch Council will, at its first meeting held following a quadrennial election, elect from its members two (2) Divisional Branch Vice-Presidents and:

(i) the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9; and

(ii) Divisional Branch Vice-Presidents will not, apart from holding the office of Divisional Branch Council Member, hold any other office in the QNTDB.

(K) Despite sub-rule (I):

(i) the Divisional Branch Council may determine that a full time office of Divisional Branch Assistant Secretary will, with the consent of the incumbent in that office, revert to an honorary office; and

(ii) where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Executive may, prior to filling the vacancy pursuant to these Rules, resolve whether the office will be abolished or whether it is to be filled on an honorary or full-time basis.

(L) Despite sub-rule (C):

(i) the Divisional Branch Council may determine that a full time office of Divisional Branch President will, with the consent of the incumbent in that office, revert to an honorary office; and

(ii) where a casual vacancy arises in an office of Divisional Branch President, the Divisional Branch Executive may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(M) For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council;

(s) Torres Strait & Torres Strait Regional Council;

(t) Shire of Mareeba; and

(u) Shire of Douglas.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Noosa;

(h) Redland;

(i) Scenic Rim;

(j) Somerset; and

(k) Sunshine Coast.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

(b) The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Returning Officer and a Deputy Returning Officer, who shall act in the absence of the Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Returning Officer shall hold office until a successor thereto is duly appointed. The Returning Officer shall have absolute control of any election or appointment.

(ii) The Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 – MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.
Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 – DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) (A) In the QNTDB there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. two (2) Divisional Branch Senior Vice-Presidents;

C. two (2) Divisional Branch Vice-Presidents;

D. Divisional Branch Secretary;

E. Divisional Branch Assistant Secretaries; and

F. two (2) Divisional Branch Executive Members.

(B) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Northern Territory Divisional Branch be taken so far as the context allows to be a reference to the Queensland Northern Territory Divisional Branch Executive established in accordance with this sub-rule.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) On and from 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office (or otherwise in accordance with rule 38(b)). Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A – DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

(i) In the Victoria-Tasmania Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA). Provided however that on and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B – DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

(i) On and from the date of certification of this sub-rule and until 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, there shall be a Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch, (Tasmania Sub-Branch), the members of which shall consist of the following persons who were, immediately prior to this rule taking effect, members of the Tasmanian Divisional Branch Management Committee:-

Name	Office Held within Tasmanian Divisional Branch	Office Held within Victoria-Tasmania Divisional Branch
Bill White	Divisional Branch Secretary	Sub-Branch Secretary
Dale Cracknell	Divisional Branch President	Sub-Branch President
Michael Van de Kamp	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Michael Norris	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Mick Huxley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Roy Smedley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Paul Rainey	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Dickie Post	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member

(ii) On and from 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(iii) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch. Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only. Further provided that the Victoria-Tasmania Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Tasmanian Divisional Branch and the Victorian Divisional Branch immediately prior to the certification of this sub-rule.

43 – DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In the New South Wales Divisional Branch and the Victoria-Tasmania Divisional Branch, the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 – DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, the Queensland and Northern Territory Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 – DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter (or in the event of a delay in the conduct of an election, in accordance with rule 38(b)). In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the Divisional Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the Divisional Branch Assistant Secretary.

The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 – DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Branch Office, together with a statement of the assets and liabilities of the Divisional Branch Office for the financial year ending 31st December. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 – (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A – DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

48B – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E – DELETED

48F – DIVISIONAL BRANCH SENIOR VICE-PRESIDENTS/DIVISIONAL BRANCH VICE-PRESIDENTS (QUEENSLAND)

(i) This rule applies only in relation to the QNTDB and notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers.

(ii) In the QNTDB there shall be two Divisional Branch Senior Vice-Presidents one of whom shall, in the absence of the Divisional Branch President, preside at meetings of, or convened by, the Divisional Branch Council or Divisional Branch Executive. The Divisional Branch Executive will determine, for the purposes of this sub-rule, which of the Divisional Senior Vice-Presidents is to so act.

(iii) The Divisional Branch Senior Vice-Presidents in the QNTDB shall have such other duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

(iv) The Divisional Branch Vice-Presidents in the QNTDB shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

49 – FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 – DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 – REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 – DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 – MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 – PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 – APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 – DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 – SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 – VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 – ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 – TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 – FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 – CONTINGENT FUND

If the Divisional Branch establishes a Contingent Fund, it may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 – RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 – STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 – INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 – DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 – REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 – SPECIAL RULES

(iA) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elect to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(iB) (a) The purpose of this rule is to provide for:

(i) the merger of the QNTDB with the QBLDB to constitute on commencement day, the QNTDB; and

(ii) the conduct of the first election for the offices of the QNTDB in the year 2016 ("the 2016 elections").

(b) This rule shall apply notwithstanding any other provision of these Divisional Rules.

(c) The provisions of this rule provide for the merger and shall take effect on, and from, either the 3rd January 2014 or the day after the General Manager of the Fair Work Commission certifies them, whichever is the later ("the commencement day").

(d) The QNTDB, and the members attached to it, shall comply with the provisions of this rule severally.

(e) On, and from, the commencement day, the QNTDB and the QBLDB shall be merged to form the Queensland-Northern Territory Divisional Branch.

(g) On commencement day the financial members of the QNTDB shall, despite rule 40(2)(ii)(C), be represented in the offices set out in column B by the persons holding the office set out in column A on the day immediately preceding the commencement day in respectively the QNTDB or the QBLDB:

A	B
Divisional Branch Secretary - QBLDB	Divisional Branch President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch President - QBLDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Assistant Secretary - QBLDB	Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Vice President - QBLDB	Divisional Branch Vice President and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Trustees - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Treasurer - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Guardian - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Executive Members - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch President - QNTDB	Divisional Branch Senior Vice President Divisional Branch Council Member and

	Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Vice-President - QNTDB	Divisional Branch Vice President (Construction Workers Divisional Branch) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Secretary - QNTDB	Divisional Branch Secretary Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Plasterers) - QNTDB	Divisional Branch Assistant Secretary (Plasterers) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Painters) - QNTDB	Divisional Branch Assistant Secretary (Painters) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (General) - QNTDB	Divisional Branch Assistant Secretary (General) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Executive Member - QNTDB	Divisional Branch Executive Member and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (South East Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Regional Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Northern Territory) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch

and such persons as referred to in Column A herein shall, subject to these Divisional Rules, continue to hold the office in the merged Divisional Branch as described in Column B herein, until their successor takes office following the 2016 elections.

(h) The officers of the Divisional Branch Council of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Management Committee, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(i) The officers of the Divisional Branch Executive of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Executive, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive and who are by operation of these rules, members of the QNTDB Divisional Branch Executive on and from commencement day, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting.

(j) A member of the QNTDB, who becomes a member on, or following, the commencement day is liable to pay subscriptions and fees in accordance with these Divisional Rules.

(k) There shall be an inaugural meeting of the Divisional Branch Council of the QNTDB to be held within two (2) months of the commencement day.

(l) There shall be an inaugural meeting of the Divisional Branch Executive of the QNTDB to be held within one (1) month of the commencement day.

(m) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QBLDB contiguous with periods of financial membership with the QNTDB.

(n) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QCWDB contiguous with periods of financial membership with the QNTDB.

(o) At meetings of the Divisional Branch Council and Divisional Branch Executive of the QNTDB, quorum shall be as provided by rules 41(a) and 42(b) respectively provided however that for the purposes of quorum at least one (1) member must be a person who was a member of the QBLDB on the day immediately preceding amalgamation day and at least one (1) member must be a person who was a member of the QNTDB on the day immediately preceding amalgamation day.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

105N-BWIU: Incorporates alterations of 6 February 2023 [R2022/120]
(replaces rulebook dated 25 January 2022 [R2021/181 & R2021/215])

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 75 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 – NAME

The name of the Division shall be "the Construction and General Division".

2 – ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 – DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

“commencement day” means the date provided by rule 69(iB)(c)

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“QBLDB” means the Queensland Builders Labourers Divisional Branch.

“QNTDB” means the Queensland Northern Territory Divisional Branch.

“UNFINANCIAL DIVISIONAL BRANCH” shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 – MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

(viii) Any person who, at the date of certification of this sub-rule, is a member of the Victorian Divisional Branch or the Tasmanian Divisional Branch shall be and become a member of the Victoria-Tasmania Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Tasmanian Divisional Branch or the Victorian Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania Divisional Branch. Further provided that the period of membership of the Victoria-Tasmania Divisional Branch shall be the same as that held by such members within the Victorian Divisional Branch or Tasmanian Divisional Branch, as the case may be.

(ix) Any person who, at the date of certification of this sub-rule, is a member of the QBLDB shall become a member of the QNTDB and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the QBLDB as at the date this rule takes effect shall become an amount owing to the QNTDB. Further provided that the period of membership of the QNTDB shall be the same as that held by such members within the QBLDB.

5 – ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 – CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 – SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 – SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

Provided that if at any time there is no longer an office of Divisional Branch Assistant Secretary (Plasterer) in the Australian Capital Territory Divisional Branch, either of the following as determined by the ACT Branch Committee of Management at least three (3) months prior to the opening of nominations as prescribed by r.38 of these Rules, shall be a delegate to Divisional Conference:

- the Divisional Branch Assistant Secretary; or
- a delegate to be elected at the divisional branch elections as prescribed by r.38 of these rules.

For the avoidance of doubt, on and from the date of certification of this sub-rule, any casual vacancy occurring in the relevant National Conference Delegate position as a result of death, resignation, retirement, dismissal or for any other reason shall be filled either ex officio or via an election under Divisional Rule 38(cc) at the discretion of the ACT Branch Committee of Management.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate's proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viiA) Those members of the QNTDB and the QBLDB who held office as Divisional Conference Delegates on the day preceding the commencement day shall continue in office and be Divisional Conference Delegates for the QNTDB.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 – DIVISIONAL EXECUTIVE

1.A For the purpose of the quadrennial Divisional elections to be held in 2013 and thereafter, the Divisional Executive shall be composed of one (1) Divisional President, one (1) Divisional Senior Vice President, one (1) Divisional Vice President, one (1) Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, provided that in addition to the Divisional Executive members referred to in the immediately preceding paragraph, there shall be an additional Divisional Executive member for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch. For the purpose of this sub-rule the number of financial members shall be the number of such members as at 31 March in the year of the election. Such additional Divisional Executive members shall, notwithstanding sub-rule 2 herein, be nominated and elected by and from the Divisional Conference delegates from the relevant Divisional Branches to which those offices relate, such election to be conducted at the same time as the election of the Divisional Executive members referred to in the preceding paragraph.

Further provided that immediately following the declaration of the result of the election/ballot in accordance with sub-rules 7 or 11 herein, as the case may be, the Divisional Returning Officer shall call for nominations from the newly elected Divisional Executive members, other than the Divisional President, Divisional Senior Vice President, Divisional Secretary and Divisional Assistant Secretaries, for the office of Divisional Vice-President, and if necessary, conduct a ballot to determine that position.

2. Except for the filling of extraordinary vacancies and the office of Divisional Vice-President, the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

4A. In addition, the Divisional Returning Officer shall have the conduct of the election of two (2) members of the National Women's Committee in accordance with rule 13B of the National Rules of the Union and according to the process set out in sub-rules (5)-(12) below.

The two (2) National Women's Committee member positions must be held by women and shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter, and shall hold office until the date referred to in sub-rule 9.13(a) hereof.
To be clear, the two (2) National Women's Committee members are not members of the Divisional Executive.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. -The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1A hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

The ballot for the two (2) members of the National Women's Committee shall be dealt with and completed.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in a year in which an election is required in accordance with these rules or until the Sunday immediately following the declaration of their successor's election at Divisional Conference (whichever is later).

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates t Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

(c) For the avoidance of doubt, on and from the date of certification of this sub-rule 14(c), the provisions of this sub-rule 14 shall apply to the filling of any casual vacancy occurring in the office of Senior Vice-President as a result of death, resignation, retirement, dismissal or for any other reason.

(d) For the avoidance of doubt, on and from the date of certification of this sub-rule 14(d), the provisions of this sub-rule 14 shall apply to the filling of any casual vacancy occurring in the National Women's Committee positions as a result of death, resignation, retirement, dismissal or for any other reason.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless –

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-President and Divisional Vice-President) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 – REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 – REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 – VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 – DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each financial year. Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 – FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 – AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each financial year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 – ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 – RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 – DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch)

Provided however that the operation of the Victoria-Tasmania Divisional Branch shall be reviewed by the Divisional Executive with a view to re-establishing separate Divisional Branches in the States of Victoria and Tasmania where, in the opinion of the Divisional Executive, the establishment of such separate Divisional Branches is in the interests of the members in those states and the Division as a whole. Such a review shall be completed within three (3) years of the declaration of the ballot for the Divisional Branch elections in 2012.

(ii) Notwithstanding any other rule to the contrary, the Divisional Branch President and the Divisional Branch Secretary of the former Tasmanian Divisional Branch shall upon the establishment of the Victoria-Tasmania Divisional Branch and until the declaration of the Divisional Branch elections in 2012, be and remain delegates to the Divisional Conference of the CFMEU, Construction and General Division.

(c) In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 – DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 – EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be made as follows:-

An Industrial Agreement and any instrument not required by law to be under seal may be executed by the Divisional President or one of the Vice-Presidents and the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the common seal of the Union, in the presence of the National President or one of the Vice-Presidents and the National Secretary.

21 – SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 – DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 – PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 – RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 – LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 – VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 – STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 – NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

29 – ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Northern Territory Divisional Branch.

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria or Tasmania shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania Divisional Branch.

30 – MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependent upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Northern Territory Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Northern Territory Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 – ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 – CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Subject to sub-rule (cA), notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

(cA)

(i) This rule applies to members attached to the QNTDB and the SA Divisional Branch and applies notwithstanding the provisions of sub-rule (c).

(ii) Notwithstanding anything elsewhere in the rules, a member of the QNTDB or the SA Divisional Branch who:

(a) has paid the entrance fee;

(b) commenced on, and makes payment in accordance with, a Scheme, and

(c) either:

(A) has made payment of all Membership Contributions immediately prior to commencing on a Scheme; or

(B) has authorised the deduction of an amount that will result in the payment of all Membership Contributions within six (6) months of commencing on a Scheme or with such longer period as the Divisional Branch Secretary permits,

will be a financial member and will be entitled to all the benefits of membership including the right to vote.

(iii) A member making payment of their Membership Contributions in accordance with:

(a) a payroll deduction scheme will be unfinancial if in arrears for a period of three (3) months after the last payment under the payroll deduction scheme was received; or

(b) a direct debit scheme will be unfinancial if in arrears of two (2) Periodic Payments.

(iv) For the purposes of this rule:

(a) 'Direct Debit Scheme' means a scheme where a member provides written authority for contributions payable to the QNTDB or the SA Divisional Branch to be deducted, on such regular basis as the respective Divisional Branch Secretary agrees, from the member's financial institution, similar debit account or credit card;

(b) 'Membership Contribution' means entrance fees, subscriptions and levies in accordance with these Divisional Rules;

(c) 'Payroll Deduction Scheme' means a scheme where a member provides written authority to their employer for contributions payable to the QNTDB or the SA Divisional Branch to be deducted, on such regular basis as the respective Divisional Branch Secretary agrees, from the member's salary;

(d) 'Periodic Payment' means a payment required to be made by a member of the QNTDB or the SA Divisional Branch at the frequency authorised in their written authority; and

(e) 'Scheme' means a Payroll Deduction Scheme or a Direct Debit Scheme.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (cA) and (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 – COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 – AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 – FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there may be established funds to be known as the Benefit Fund and Contingent Fund, which are to be used exclusively for the purpose set out in the rule covering these funds and not used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of a Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of a Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 – AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every financial year to and including the last day of December of each financial year. Such auditor shall also produce and certify a yearly balance sheet. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 – OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) Without affecting the term of office of persons holding office as Divisional Branch Officers in the QNTDB and the QBLDB immediately prior to the date of certification of this sub-rule, in the QNTDB the officers of the Divisional Branch shall, on and from 3 January 2014 and as a result of the merger of the QNTDB and the QBLDB, consist of the Divisional Branch President, two (2) Divisional Branch Senior Vice-Presidents (which positions shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and two Divisional Branch Executive Members.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary, Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

Provided however that on and from the date of certification of this amendment there shall be only one (1) Divisional Branch Assistant Secretary in the Western Australian Divisional Branch.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, 4 Divisional Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, a Divisional Branch Assistant Secretary, a Divisional Branch Senior Vice-President (FEDFA), a Divisional Branch Assistant Secretary (FEDFA), (both of which shall be paid, full-time positions), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

38 – DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered

counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(iA) In relation to the South Australian Divisional Branch only, subrules (a)(i)(B) and (C) and the scale in sub-rule (a)(vi) will not apply to the filling of any casual vacancy that exists at the time of this rule change, or to any casual vacancy that may arise prior to nominations being called for the Divisional Branch election to be held in 2024.

For the avoidance of doubt, a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, and will be filled in accordance with r38(cc).

Further, in relation to the South Australian Divisional Branch only, the offices which are identified in sub-rule (a)(vi) which require 3 years' continuous financial membership of the Branch will only require 1 year's continuous financial membership for the purposes of eligibility in the Divisional Branch election to be held in 2024 only.

Further, for the purposes of the Divisional Branch elections to be held in 2024 for the South Australian Divisional Branch only:

(i) for the purposes of subrules (a)(i)(B) and (a)(vi), 1 years continuous financial membership may be of any Divisional Branch (including, but not limited to, the South Australian Divisional Branch) including continuous financial membership of more than one Divisional Branch; and

(ii) for the purposes of sub-rule (a)(i)(C)(i), a person will be eligible if they have been engaged as an officer (as defined in rule 37), or as an employee, of any Divisional Branch (or in any state registered counterpart organisation thereto) including, but not limited to, the South Australian Divisional Branch.

(iB) In relation to the Victoria-Tasmania Divisional Branch only, the offices of Divisional Branch Senior Vice President and Divisional Branch Vice President which are identified in sub-rule (a)(vi) as requiring 3 years' continuous financial membership of the Branch will only require 2 years' continuous financial membership for the purposes of eligibility in the Divisional Branch election to be held in 2020 only.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary Divisional Branch Secretary/Treasurer Divisional Branch Assistant Secretary Divisional Branch President Divisional Branch Senior Vice-President and Vice President Divisional Branch Delegate to Divisional Conference	) 3 years' continuous financial membership
Divisional Branch Management Committee Member District Secretary/Organiser Organiser Sub-Branch Secretary, President, Or Management Committee Member Divisional Branch Trustee (South Australia and Queensland Builders Labourers' Divisional Branches)	) 1 year's continuous financial membership
Divisional Branch Councillor, representatives	) financial membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election. In the event that a delay in the conduct of an election means that the results for an office are not declared until after 2 January, the successful candidate(s) shall take up office on the Monday immediately following the declaration of their election. In circumstances where the results for an office are declared after 2 January, the term of the candidate will be reduced by the length of the delay to ensure that there is no disruption to the next scheduled Divisional Branch election under these rules.

(b)(i) In the event that there is a delay of the kind described in rule 38(b), the incumbent will hold over office beyond 2 January and until their successor takes up office on the Monday immediately following the declaration of their election. Any action taken by the incumbent while holding over office shall not be invalidated merely because they have been held over in the position in accordance with these rules.

(c) Nominations for the above positions shall be called by the Returning Officer by notification in the union journal and the Divisional and relevant Divisional Branch website. Where a Divisional Branch printed journal is not scheduled for publication within two weeks of the opening of nominations then the website notification shall suffice. Alternatively, notice may be given to members by publication in one daily newspaper circulating in the Divisional Branch area on or before the last day of August in the year of the election.

Provided that such notifications shall clearly indicate that the Divisional Executive members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations must be lodged with the Returning Officer before the close of nominations at the address and by the methods specified on the notice of election. Nomination forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Returning Officer to fill any vacancy or vacancies the Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within one day of the closing of nominations, a certified list of financial members entitled to vote to the Returning Officer.

(n) The Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Returning Officer shall post to each member eligible to vote by pre-paid post all ballot papers. The ballot papers shall be posted to ensure eligible members receive them not less than 14 days before the closing of the ballot.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Returning Officer shall collect the returned ballot papers and keep them securely under their custody until the commencement of the count.

(s) The Returning Officer shall advise scrutineer/s of a secure space and location where the count shall occur. If the AEC is conducting the election, the counting of the ballot shall take place on AEC premises. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.

(u) (i) The Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post.

The Returning Officer's report to the Divisional Executive shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot, or otherwise in accordance with rule 38(b), and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot.

They shall obey any directions given to them by the Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 – PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 – SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Northern Territory Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.
Camden Zone:	3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.
Country Zone:	3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

The counties referred to in this sub-rule are as defined in accordance with the NSW lands administrative divisions.

(ii) (A) Without affecting the term of office of the Divisional Branch Council members of the QNTDB elected to office at the 2016 Divisional Branch elections, on and from the date of certification of this sub-rule, and thereafter, the Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) two (2) Divisional Branch Senior Vice-Presidents;
(iii) two (2) Divisional Branch Vice-Presidents;
(iv) the Divisional Branch Secretary;
(v) the Divisional Branch Assistant Secretaries;
(vi) two (2) Divisional Branch Executive Members;
(vii) 12 members on the Divisional Branch Council who shall be elected by and from the three sub-groups as follows:

(a) eight (8) Divisional Branch Council members who shall be elected by, and from, the members who reside in South East Queensland;

(b) three (3) Divisional Branch Council Members who shall be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) one (1) Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory, subject to the:

1. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) if the Divisional Branch President resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) if the Divisional Branch President resides in Regional Queensland;

c. under paragraph (vii)(c) being reduced by one (1) if the Divisional Branch President resides in the Northern Territory;

2. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) or more if one (1) or more of the Divisional Branch Senior Vice Presidents resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) or more if one (1) or more of the Divisional Branch Senior Vice Presidents resides in Regional Queensland; and/or

c. under paragraph (vii)(c) being reduced by one (1) if a Divisional Branch Senior Vice President resides in the Northern Territory;

3. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) or more if one (1) or more of the Divisional Branch Executive Members resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) or more if one (1) or more of the Divisional Branch Executive Members resides in Regional Queensland; and/or

c. under paragraph (vii)(c) being reduced by one (1) or more if a Divisional Branch Executive Member resides in the Northern Territory;

(B) The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, the Divisional Branch President and the Divisional Branch Senior Vice-Presidents shall, subject to this sub-rule, be elected by and from Members of the QNTDB, who are eligible to nominate and vote in accordance with these Rules.

(C) The Divisional Branch Council may, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine whether the office of Divisional Branch President is to be held on an honorary or full-time basis following the quadrennial election, provided that for the purposes of the quadrennial election to be held in 2020, the office of Divisional Branch President is to be honorary.

(D) The Divisional Branch Senior Vice Presidents and the Divisional Branch Executive Members shall, subject to this sub-rule, be elected by and from members of the QNTDB, who are eligible to nominate and vote in accordance with these rules.

(E) The Divisional Branch Assistant Secretary (Painters) (if any) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, the members of the QNTDB, who are eligible for membership under National Rule 2(A)(b) and entitled to vote.

(F) The Divisional Branch Assistant Secretary (Plasterers) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, the members of the QNTDB, who are eligible for membership under National Rule 2(A)(a)(ii) and entitled to vote.

(G) The Divisional Branch Assistant Secretaries (General) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, all members of the QNTDB, who are entitled to vote.

(H) The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

(I) The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

(J) The Divisional Branch Council will, at its first meeting held following a quadrennial election, elect from its members two (2) Divisional Branch Vice-Presidents and:

(i) the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9; and

(ii) Divisional Branch Vice-Presidents will not, apart from holding the office of Divisional Branch Council Member, hold any other office in the QNTDB.

(K) Despite sub-rule (I):

(i) the Divisional Branch Council may determine that a full time office of Divisional Branch Assistant Secretary will, with the consent of the incumbent in that office, revert to an honorary office; and

(ii) where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Executive may, prior to filling the vacancy pursuant to these Rules, resolve whether the office will be abolished or whether it is to be filled on an honorary or full-time basis.

(L) Despite sub-rule (C):

(i) the Divisional Branch Council may determine that a full time office of Divisional Branch President will, with the consent of the incumbent in that office, revert to an honorary office; and

(ii) where a casual vacancy arises in an office of Divisional Branch President, the Divisional Branch Executive may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(M) For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council;

(s) Torres Strait & Torres Strait Regional Council;

(t) Shire of Mareeba; and

(u) Shire of Douglas.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Noosa;

(h) Redland;

(i) Scenic Rim;

(j) Somerset; and

(k) Sunshine Coast.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

(b) The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Returning Officer and a Deputy Returning Officer, who shall act in the absence of the Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Returning Officer shall hold office until a successor thereto is duly appointed. The Returning Officer shall have absolute control of any election or appointment.

(ii) The Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 – MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.
Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 – DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) (A) In the QNTDB there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. two (2) Divisional Branch Senior Vice-Presidents;

C. two (2) Divisional Branch Vice-Presidents;

D. Divisional Branch Secretary;

E. Divisional Branch Assistant Secretaries; and

F. two (2) Divisional Branch Executive Members.

(B) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Northern Territory Divisional Branch be taken so far as the context allows to be a reference to the Queensland Northern Territory Divisional Branch Executive established in accordance with this sub-rule.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) On and from 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office (or otherwise in accordance with rule 38(b)). Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A – DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

(i) In the Victoria-Tasmania Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA). Provided however that on and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B – DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

(i) On and from the date of certification of this sub-rule and until 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, there shall be a Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch, (Tasmania Sub-Branch), the members of which shall consist of the following persons who were, immediately prior to this rule taking effect, members of the Tasmanian Divisional Branch Management Committee:-

Name	Office Held within Tasmanian Divisional Branch	Office Held within Victoria-Tasmania Divisional Branch
Bill White	Divisional Branch Secretary	Sub-Branch Secretary
Dale Cracknell	Divisional Branch President	Sub-Branch President
Michael Van de Kamp	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Michael Norris	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Mick Huxley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Roy Smedley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Paul Rainey	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Dickie Post	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member

(ii) On and from 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(iii) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch. Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only. Further provided that the Victoria-Tasmania Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Tasmanian Divisional Branch and the Victorian Divisional Branch immediately prior to the certification of this sub-rule.

43 – DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In the New South Wales Divisional Branch and the Victoria-Tasmania Divisional Branch, the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 – DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, the Queensland and Northern Territory Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 – DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter (or in the event of a delay in the conduct of an election, in accordance with rule 38(b)). In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the Divisional Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the Divisional Branch Assistant Secretary.

The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 – DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Branch Office, together with a statement of the assets and liabilities of the Divisional Branch Office for the financial year ending 31st December. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 – (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A – DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

48B – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E – DELETED

48F – DIVISIONAL BRANCH SENIOR VICE-PRESIDENTS/DIVISIONAL BRANCH VICE-PRESIDENTS (QUEENSLAND)

(i) This rule applies only in relation to the QNTDB and notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers.

(ii) In the QNTDB there shall be two Divisional Branch Senior Vice-Presidents one of whom shall, in the absence of the Divisional Branch President, preside at meetings of, or convened by, the Divisional Branch Council or Divisional Branch Executive. The Divisional Branch Executive will determine, for the purposes of this sub-rule, which of the Divisional Senior Vice-Presidents is to so act.

(iii) The Divisional Branch Senior Vice-Presidents in the QNTDB shall have such other duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

(iv) The Divisional Branch Vice-Presidents in the QNTDB shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

49 – FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 – DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 – REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 – DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 – MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 – PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 – APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 – DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 – SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 – VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 – ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 – TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 – FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 – CONTINGENT FUND

If the Divisional Branch establishes a Contingent Fund, it may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 – RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 – STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 – INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 – DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 – REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 – SPECIAL RULES

(iA) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elect to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(iB) (a) The purpose of this rule is to provide for:

(i) the merger of the QNTDB with the QBLDB to constitute on commencement day, the QNTDB; and

(ii) the conduct of the first election for the offices of the QNTDB in the year 2016 ("the 2016 elections").

(b) This rule shall apply notwithstanding any other provision of these Divisional Rules.

(c) The provisions of this rule provide for the merger and shall take effect on, and from, either the 3rd January 2014 or the day after the General Manager of the Fair Work Commission certifies them, whichever is the later ("the commencement day").

(d) The QNTDB, and the members attached to it, shall comply with the provisions of this rule severally.

(e) On, and from, the commencement day, the QNTDB and the QBLDB shall be merged to form the Queensland-Northern Territory Divisional Branch.

(g) On commencement day the financial members of the QNTDB shall, despite rule 40(2)(ii)(C), be represented in the offices set out in column B by the persons holding the office set out in column A on the day immediately preceding the commencement day in respectively the QNTDB or the QBLDB:

A	B
Divisional Branch Secretary - QBLDB	Divisional Branch President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch President - QBLDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Assistant Secretary - QBLDB	Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Vice President - QBLDB	Divisional Branch Vice President and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Trustees - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Treasurer - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Guardian - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Executive Members - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch President - QNTDB	Divisional Branch Senior Vice President Divisional Branch Council Member and

	Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Vice-President - QNTDB	Divisional Branch Vice President (Construction Workers Divisional Branch) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Secretary - QNTDB	Divisional Branch Secretary Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Plasterers) - QNTDB	Divisional Branch Assistant Secretary (Plasterers) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Painters) - QNTDB	Divisional Branch Assistant Secretary (Painters) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (General) - QNTDB	Divisional Branch Assistant Secretary (General) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Executive Member - QNTDB	Divisional Branch Executive Member and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (South East Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Regional Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Northern Territory) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch

and such persons as referred to in Column A herein shall, subject to these Divisional Rules, continue to hold the office in the merged Divisional Branch as described in Column B herein, until their successor takes office following the 2016 elections.

(h) The officers of the Divisional Branch Council of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Management Committee, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(i) The officers of the Divisional Branch Executive of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Executive, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive and who are by operation of these rules, members of the QNTDB Divisional Branch Executive on and from commencement day, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting.

(j) A member of the QNTDB, who becomes a member on, or following, the commencement day is liable to pay subscriptions and fees in accordance with these Divisional Rules.

(k) There shall be an inaugural meeting of the Divisional Branch Council of the QNTDB to be held within two (2) months of the commencement day.

(l) There shall be an inaugural meeting of the Divisional Branch Executive of the QNTDB to be held within one (1) month of the commencement day.

(m) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QBLDB contiguous with periods of financial membership with the QNTDB.

(n) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QCWDB contiguous with periods of financial membership with the QNTDB.

(o) At meetings of the Divisional Branch Council and Divisional Branch Executive of the QNTDB, quorum shall be as provided by rules 41(a) and 42(b) respectively provided however that for the purposes of quorum at least one (1) member must be a person who was a member of the QBLDB on the day immediately preceding amalgamation day and at least one (1) member must be a person who was a member of the QNTDB on the day immediately preceding amalgamation day.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

105N-BWIU: Incorporates alterations of 23 February 2023 [R2022/149]
(replaces rulebook dated 6 February 2023 [R2022/120])

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 75 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 – NAME

The name of the Division shall be "the Construction and General Division".

2 – ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 – DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

“commencement day” means the date provided by rule 69(iB)(c)

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“QBLDB” means the Queensland Builders Labourers Divisional Branch.

“QNTDB” means the Queensland Northern Territory Divisional Branch.

“UNFINANCIAL DIVISIONAL BRANCH” shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 – MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

(viii) Any person who, at the date of certification of this sub-rule, is a member of the Victorian Divisional Branch or the Tasmanian Divisional Branch shall be and become a member of the Victoria-Tasmania Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Tasmanian Divisional Branch or the Victorian Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania Divisional Branch. Further provided that the period of membership of the Victoria-Tasmania Divisional Branch shall be the same as that held by such members within the Victorian Divisional Branch or Tasmanian Divisional Branch, as the case may be.

(ix) Any person who, at the date of certification of this sub-rule, is a member of the QBLDB shall become a member of the QNTDB and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the QBLDB as at the date this rule takes effect shall become an amount owing to the QNTDB. Further provided that the period of membership of the QNTDB shall be the same as that held by such members within the QBLDB.

5 – ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 – CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 – SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 – SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

Provided that if at any time there is no longer an office of Divisional Branch Assistant Secretary (Plasterer) in the Australian Capital Territory Divisional Branch, either of the following as determined by the ACT Branch Committee of Management at least three (3) months prior to the opening of nominations as prescribed by r.38 of these Rules, shall be a delegate to Divisional Conference:

- the Divisional Branch Assistant Secretary; or
- a delegate to be elected at the divisional branch elections as prescribed by r.38 of these rules.

For the avoidance of doubt, on and from the date of certification of this sub-rule, any casual vacancy occurring in the relevant National Conference Delegate position as a result of death, resignation, retirement, dismissal or for any other reason shall be filled either ex officio or via an election under Divisional Rule 38(cc) at the discretion of the ACT Branch Committee of Management.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate's proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viiA) Those members of the QNTDB and the QBLDB who held office as Divisional Conference Delegates on the day preceding the commencement day shall continue in office and be Divisional Conference Delegates for the QNTDB.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 – DIVISIONAL EXECUTIVE

1.A For the purpose of the quadrennial Divisional elections to be held in 2013 and thereafter, the Divisional Executive shall be composed of one (1) Divisional President, one (1) Divisional Senior Vice President, one (1) Divisional Vice President, one (1) Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Further, provided that in addition to the Divisional Executive members referred to in the immediately preceding paragraph, there shall be an additional Divisional Executive member for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch. For the purpose of this sub-rule the number of financial members shall be the number of such members as at 31 March in the year of the election. Such additional Divisional Executive members shall, notwithstanding sub-rule 2 herein, be nominated and elected by and from the Divisional Conference delegates from the relevant Divisional Branches to which those offices relate, such election to be conducted at the same time as the election of the Divisional Executive members referred to in the preceding paragraph.

Further provided that immediately following the declaration of the result of the election/ballot in accordance with sub-rules 7 or 11 herein, as the case may be, the Divisional Returning Officer shall call for nominations from the newly elected Divisional Executive members, other than the Divisional President, Divisional Senior Vice President, Divisional Secretary and Divisional Assistant Secretaries, for the office of Divisional Vice-President, and if necessary, conduct a ballot to determine that position.

2. Except for the filling of extraordinary vacancies and the office of Divisional Vice-President, the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

4A. In addition, the Divisional Returning Officer shall have the conduct of the election of two (2) members of the National Women's Committee in accordance with rule 13B of the National Rules of the Union and according to the process set out in sub-rules (5)-(12) below.

The two (2) National Women's Committee member positions must be held by women and shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter, and shall hold office until the date referred to in sub-rule 9.13(a) hereof.
To be clear, the two (2) National Women's Committee members are not members of the Divisional Executive.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. -The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1A hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

The ballot for the two (2) members of the National Women's Committee shall be dealt with and completed.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in a year in which an election is required in accordance with these rules or until the Sunday immediately following the declaration of their successor's election at Divisional Conference (whichever is later).

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates t Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

(c) For the avoidance of doubt, on and from the date of certification of this sub-rule 14(c), the provisions of this sub-rule 14 shall apply to the filling of any casual vacancy occurring in the office of Senior Vice-President as a result of death, resignation, retirement, dismissal or for any other reason.

(d) For the avoidance of doubt, on and from the date of certification of this sub-rule 14(d), the provisions of this sub-rule 14 shall apply to the filling of any casual vacancy occurring in the National Women's Committee positions as a result of death, resignation, retirement, dismissal or for any other reason.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless –

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-President and Divisional Vice-President) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 – REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 – REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 – VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 – DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each financial year. Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 – FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 – AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each financial year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 – ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 – RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 – DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch)

Provided however that the operation of the Victoria-Tasmania Divisional Branch shall be reviewed by the Divisional Executive with a view to re-establishing separate Divisional Branches in the States of Victoria and Tasmania where, in the opinion of the Divisional Executive, the establishment of such separate Divisional Branches is in the interests of the members in those states and the Division as a whole. Such a review shall be completed within three (3) years of the declaration of the ballot for the Divisional Branch elections in 2012.

(ii) Notwithstanding any other rule to the contrary, the Divisional Branch President and the Divisional Branch Secretary of the former Tasmanian Divisional Branch shall upon the establishment of the Victoria-Tasmania Divisional Branch and until the declaration of the Divisional Branch elections in 2012, be and remain delegates to the Divisional Conference of the CFMEU, Construction and General Division.

(c) In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 – DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 – EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be executed by the Divisional Secretary or such other Divisional Officer as authorised by the Divisional Executive.

21 – SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 – DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 – PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 – RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 – LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 – VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 – STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 – NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

29 – ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Northern Territory Divisional Branch.

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria or Tasmania shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania Divisional Branch.

30 – MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member

to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependent upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Northern Territory Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Northern Territory Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 – ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 – CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Subject to sub-rule (cA), notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

(cA)

(i) This rule applies to members attached to the QNTDB and the SA Divisional Branch and applies notwithstanding the provisions of sub-rule (c).

(ii) Notwithstanding anything elsewhere in the rules, a member of the QNTDB or the SA Divisional Branch who:

(a) has paid the entrance fee;

(b) commenced on, and makes payment in accordance with, a Scheme, and

(c) either:

(A) has made payment of all Membership Contributions immediately prior to commencing on a Scheme; or

(B) has authorised the deduction of an amount that will result in the payment of all Membership Contributions within six (6) months of commencing on a Scheme or with such longer period as the Divisional Branch Secretary permits,

will be a financial member and will be entitled to all the benefits of membership including the right to vote.

(iii) A member making payment of their Membership Contributions in accordance with:

(a) a payroll deduction scheme will be unfinancial if in arrears for a period of three (3) months after the last payment under the payroll deduction scheme was received; or

(b) a direct debit scheme will be unfinancial if in arrears of two (2) Periodic Payments.

(iv) For the purposes of this rule:

(a) 'Direct Debit Scheme' means a scheme where a member provides written authority for contributions payable to the QNTDB or the SA Divisional Branch to be deducted, on such regular basis as the respective Divisional Branch Secretary agrees, from the member's financial institution, similar debit account or credit card;

(b) 'Membership Contribution' means entrance fees, subscriptions and levies in accordance with these Divisional Rules;

(c) 'Payroll Deduction Scheme' means a scheme where a member provides written authority to their employer for contributions payable to the QNTDB or the SA Divisional Branch to be deducted, on such regular basis as the respective Divisional Branch Secretary agrees, from the member's salary;

(d) 'Periodic Payment' means a payment required to be made by a member of the QNTDB or the SA Divisional Branch at the frequency authorised in their written authority; and

(e) 'Scheme' means a Payroll Deduction Scheme or a Direct Debit Scheme.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and
2. In payment of any fines due, and
3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (cA) and (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 – COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 – AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 – FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there may be established funds to be known as the Benefit Fund and Contingent Fund, which are to be used exclusively for the purpose set out in the rule covering these funds and not used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of a Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of a Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 – AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every financial year to and including the last day of December of each financial year. Such auditor shall also produce and certify a yearly balance sheet. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 – OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) Without affecting the term of office of persons holding office as Divisional Branch Officers in the QNTDB and the QBLDB immediately prior to the date of certification of this sub-rule, in the QNTDB the officers of the Divisional Branch shall, on and from 3 January 2014 and as a result of the merger of the QNTDB and the QBLDB, consist of the Divisional Branch President, two (2) Divisional Branch Senior Vice-Presidents (which positions shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and two Divisional Branch Executive Members.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary, Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

Provided however that on and from the date of certification of this amendment there shall be only one (1) Divisional Branch Assistant Secretary in the Western Australian Divisional Branch.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, 4 Divisional Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, a Divisional Branch Assistant Secretary, a Divisional Branch Senior Vice-President (FEDFA), a Divisional Branch Assistant Secretary (FEDFA), (both of which shall be paid, full-time positions), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

37A – EXECUTION OF DOCUMENTS

Industrial agreements affecting the employment of members of a single Divisional Branch, or persons within the geographic area and occupational categories within the State or Territory for which a single Divisional Branch is responsible, and any other instruments concerning the affairs of a single Divisional Branch, shall be executed by the Divisional Branch Secretary, or such other Divisional Branch Officer as authorised by the Divisional Branch Executive.

38 – DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(iA) In relation to the South Australian Divisional Branch only, subrules (a)(i)(B) and (C) and the scale in sub-rule (a)(vi) will not apply to the filling of any casual vacancy that exists at the time of this rule change, or to any casual vacancy that may arise prior to nominations being called for the Divisional Branch election to be held in 2024.

For the avoidance of doubt, a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, and will be filled in accordance with r38(cc).

Further, in relation to the South Australian Divisional Branch only, the offices which are identified in sub-rule (a)(vi) which require 3 years' continuous financial membership of the Branch will only require 1 year's continuous financial membership for the purposes of eligibility in the Divisional Branch election to be held in 2024 only.

Further, for the purposes of the Divisional Branch elections to be held in 2024 for the South Australian Divisional Branch only:

(i) for the purposes of subrules (a)(i)(B) and (a)(vi), 1 years continuous financial membership may be of any Divisional Branch (including, but not limited to, the South Australian Divisional Branch) including continuous financial membership of more than one Divisional Branch; and

(ii) for the purposes of sub-rule (a)(i)(C)(i), a person will be eligible if they have been engaged as an officer (as defined in rule 37), or as an employee, of any Divisional Branch (or in any state registered counterpart organisation thereto) including, but not limited to, the South Australian Divisional Branch.

(iB) In relation to the Victoria-Tasmania Divisional Branch only, the offices of Divisional Branch Senior Vice President and Divisional Branch Vice President which are identified in sub-rule (a)(vi) as requiring 3 years' continuous financial membership of the Branch will only require 2 years' continuous financial membership for the purposes of eligibility in the Divisional Branch election to be held in 2020 only.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary Divisional Branch Secretary/Treasurer Divisional Branch Assistant Secretary Divisional Branch President Divisional Branch Senior Vice-President and Vice President Divisional Branch Delegate to Divisional Conference	) 3 years' continuous financial membership
Divisional Branch Management Committee Member District Secretary/Organiser Organiser Sub-Branch Secretary, President, Or Management Committee Member Divisional Branch Trustee (South Australia and Queensland Builders Labourers' Divisional Branches)	) 1 year's continuous financial membership
Divisional Branch Councillor, representatives	) financial membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election. In the event that a delay in the conduct of an election means that the results for an office are not declared until after 2 January, the successful candidate(s) shall take up office on the Monday immediately following the declaration of their election. In circumstances where the results for an office are declared after 2 January, the term of the candidate will be reduced by the length of the delay to ensure that there is no disruption to the next scheduled Divisional Branch election under these rules.

(b)(i) In the event that there is a delay of the kind described in rule 38(b), the incumbent will hold over office beyond 2 January and until their successor takes up office on the Monday immediately following the declaration of their election. Any action taken by the incumbent while holding over office shall not be invalidated merely because they have been held over in the position in accordance with these rules.

(c) Nominations for the above positions shall be called by the Returning Officer by notification in the union journal and the Divisional and relevant Divisional Branch website. Where a Divisional Branch printed journal is not scheduled for publication within two weeks of the opening of nominations then the website notification shall suffice. Alternatively, notice may be given to members by publication in one daily newspaper circulating in the Divisional Branch area on or before the last day of August in the year of the election.

Provided that such notifications shall clearly indicate that the Divisional Executive members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations must be lodged with the Returning Officer before the close of nominations at the address and by the methods specified on the notice of election. Nomination forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Returning Officer to fill any vacancy or vacancies the Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within one day of the closing of nominations, a certified list of financial members entitled to vote to the Returning Officer.

(n) The Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Returning Officer shall post to each member eligible to vote by pre-paid post all ballot papers. The ballot papers shall be posted to ensure eligible members receive them not less than 14 days before the closing of the ballot.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Returning Officer shall collect the returned ballot papers and keep them securely under their custody until the commencement of the count.

(s) The Returning Officer shall advise scrutineer/s of a secure space and location where the count shall occur. If the AEC is conducting the election, the counting of the ballot shall take place on AEC premises. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.

(u) (i) The Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post.

The Returning Officer's report to the Divisional Executive shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot, or otherwise in accordance with rule 38(b), and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot.

They shall obey any directions given to them by the Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 – PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 – SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Northern Territory Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.
Camden Zone:	3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.
Country Zone:	3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

The counties referred to in this sub-rule are as defined in accordance with the NSW lands administrative divisions.

(ii) (A) Without affecting the term of office of the Divisional Branch Council members of the QNTDB elected to office at the 2016 Divisional Branch elections, on and from the date of certification of this sub-rule, and thereafter, the Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) two (2) Divisional Branch Senior Vice-Presidents;
(iii) two (2) Divisional Branch Vice-Presidents;
(iv) the Divisional Branch Secretary;
(v) the Divisional Branch Assistant Secretaries;

(vi) two (2) Divisional Branch Executive Members;

(vii) 12 members on the Divisional Branch Council who shall be elected by and from the three sub-groups as follows:

(a) eight (8) Divisional Branch Council members who shall be elected by, and from, the members who reside in South East Queensland;

(b) three (3) Divisional Branch Council Members who shall be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) one (1) Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory, subject to the:

1. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) if the Divisional Branch President resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) if the Divisional Branch President resides in Regional Queensland;

c. under paragraph (vii)(c) being reduced by one (1) if the Divisional Branch President resides in the Northern Territory;

2. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) or more if one (1) or more of the Divisional Branch Senior Vice Presidents resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) or more if one (1) or more of the Divisional Branch Senior Vice Presidents resides in Regional Queensland; and/or

c. under paragraph (vii)(c) being reduced by one (1) if a Divisional Branch Senior Vice President resides in the Northern Territory;

3. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) or more if one (1) or more of the Divisional Branch Executive Members resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) or more if one (1) or more of the Divisional Branch Executive Members resides in Regional Queensland; and/or

c. under paragraph (vii)(c) being reduced by one (1) or more if a Divisional Branch Executive Member resides in the Northern Territory;

(B) The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, the Divisional Branch President and the Divisional Branch Senior Vice-Presidents shall, subject to this sub-rule, be elected by and from Members of the QNTDB, who are eligible to nominate and vote in accordance with these Rules.

(C) The Divisional Branch Council may, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine whether the office of Divisional Branch President is to be held on an honorary or full-time basis following the quadrennial election, provided that for the purposes of the quadrennial election to be held in 2020, the office of Divisional Branch President is to be honorary.

(D) The Divisional Branch Senior Vice Presidents and the Divisional Branch Executive Members shall, subject to this sub-rule, be elected by and from members of the QNTDB, who are eligible to nominate and vote in accordance with these rules.

(E) The Divisional Branch Assistant Secretary (Painters) (if any) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, the members of the QNTDB, who are eligible for membership under National Rule 2(A)(b) and entitled to vote.

(F) The Divisional Branch Assistant Secretary (Plasterers) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, the members of the QNTDB, who are eligible for membership under National Rule 2(A)(a)(ii) and entitled to vote.

(G) The Divisional Branch Assistant Secretaries (General) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, all members of the QNTDB, who are entitled to vote.

(H) The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

(I) The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

(J) The Divisional Branch Council will, at its first meeting held following a quadrennial election, elect from its members two (2) Divisional Branch Vice-Presidents and:

(i) the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9; and

(ii) Divisional Branch Vice-Presidents will not, apart from holding the office of Divisional Branch Council Member, hold any other office in the QNTDB.

(K) Despite sub-rule (I):

(i) the Divisional Branch Council may determine that a full time office of Divisional Branch Assistant Secretary will, with the consent of the incumbent in that office, revert to an honorary office; and

(ii) where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Executive may, prior to filling the vacancy pursuant to these Rules, resolve whether the office will be abolished or whether it is to be filled on an honorary or full-time basis.

(L) Despite sub-rule (C):

(i) the Divisional Branch Council may determine that a full time office of Divisional Branch President will, with the consent of the incumbent in that office, revert to an honorary office; and

(ii) where a casual vacancy arises in an office of Divisional Branch President, the Divisional Branch Executive may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(M) For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council;

(s) Torres Strait & Torres Strait Regional Council;

(t) Shire of Mareeba; and

(u) Shire of Douglas.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Noosa;

(h) Redland;

(i) Scenic Rim;

(j) Somerset; and

(k) Sunshine Coast.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

(b) The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the

whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Returning Officer and a Deputy Returning Officer, who shall act in the absence of the Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Returning Officer shall hold office until a successor thereto is duly appointed. The Returning Officer shall have absolute control of any election or appointment.

(ii) The Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 – MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.
Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 – DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) (A) In the QNTDB there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. two (2) Divisional Branch Senior Vice-Presidents;

C. two (2) Divisional Branch Vice-Presidents;

D. Divisional Branch Secretary;

E. Divisional Branch Assistant Secretaries; and

F. two (2) Divisional Branch Executive Members.

(B) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Northern Territory Divisional Branch be taken so far as the context allows to be a reference to the Queensland Northern Territory Divisional Branch Executive established in accordance with this sub-rule.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) On and from 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office (or otherwise in accordance with rule 38(b)). Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their

allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A – DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

(i) In the Victoria-Tasmania Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA). Provided however that on and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B – DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

(i) On and from the date of certification of this sub-rule and until 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, there shall be a Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch, (Tasmania Sub-Branch), the members of which shall consist of the following persons who were, immediately prior to this rule taking effect, members of the Tasmanian Divisional Branch Management Committee:-

Name	Office Held within Tasmanian Divisional Branch	Office Held within Victoria-Tasmania Divisional Branch
Bill White	Divisional Branch Secretary	Sub-Branch Secretary
Dale Cracknell	Divisional Branch President	Sub-Branch President
Michael Van de Kamp	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Michael Norris	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Mick Huxley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Roy Smedley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Paul Rainey	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Dickie Post	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member

(ii) On and from 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(iii) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch. Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only. Further provided that the Victoria-Tasmania Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Tasmanian Divisional Branch and the Victorian Divisional Branch immediately prior to the certification of this sub-rule.

43 – DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In the New South Wales Divisional Branch and the Victoria-Tasmania Divisional Branch, the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 – DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, the Queensland and Northern Territory Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 – DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter (or in the event of a delay in the conduct of an election, in accordance with rule 38(b)). In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the Divisional Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the Divisional Branch Assistant Secretary.

The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 – DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Branch Office, together with a statement of the assets and liabilities of the Divisional Branch Office for the financial year ending 31st December. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 – (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A – DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

48B – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E – DELETED

48F – DIVISIONAL BRANCH SENIOR VICE-PRESIDENTS/DIVISIONAL BRANCH VICE-PRESIDENTS (QUEENSLAND)

(i) This rule applies only in relation to the QNTDB and notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers.

(ii) In the QNTDB there shall be two Divisional Branch Senior Vice-Presidents one of whom shall, in the absence of the Divisional Branch President, preside at meetings of, or convened by, the Divisional Branch Council or Divisional Branch Executive. The Divisional Branch Executive will determine, for the purposes of this sub-rule, which of the Divisional Senior Vice-Presidents is to so act.

(iii) The Divisional Branch Senior Vice-Presidents in the QNTDB shall have such other duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

(iv) The Divisional Branch Vice-Presidents in the QNTDB shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

49 – FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 – DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 – REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 – DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 – MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 – PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 – APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 – DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 – SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 – VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 – ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 – TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 – FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 – CONTINGENT FUND

If the Divisional Branch establishes a Contingent Fund, it may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 – RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 – STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 – INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 – DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 – REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 – SPECIAL RULES

(iA) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elect to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(iB) (a) The purpose of this rule is to provide for:

(i) the merger of the QNTDB with the QBLDB to constitute on commencement day, the QNTDB; and

(ii) the conduct of the first election for the offices of the QNTDB in the year 2016 ("the 2016 elections").

(b) This rule shall apply notwithstanding any other provision of these Divisional Rules.

(c) The provisions of this rule provide for the merger and shall take effect on, and from, either the 3rd January 2014 or the day after the General Manager of the Fair Work Commission certifies them, whichever is the later ("the commencement day").

(d) The QNTDB, and the members attached to it, shall comply with the provisions of this rule severally.

(e) On, and from, the commencement day, the QNTDB and the QBLDB shall be merged to form the Queensland-Northern Territory Divisional Branch.

(g) On commencement day the financial members of the QNTDB shall, despite rule 40(2)(ii)(C), be represented in the offices set out in column B by the persons holding the office set out in column A on the day immediately preceding the commencement day in respectively the QNTDB or the QBLDB:

A	B
Divisional Branch Secretary - QBLDB	Divisional Branch President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch President - QBLDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Assistant Secretary - QBLDB	Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Vice President - QBLDB	Divisional Branch Vice President and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Trustees - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Treasurer - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Guardian - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Executive Members - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch President - QNTDB	Divisional Branch Senior Vice President Divisional Branch Council Member and

	Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Vice-President - QNTDB	Divisional Branch Vice President (Construction Workers Divisional Branch) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Secretary - QNTDB	Divisional Branch Secretary Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Plasterers) - QNTDB	Divisional Branch Assistant Secretary (Plasterers) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Painters) - QNTDB	Divisional Branch Assistant Secretary (Painters) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (General) - QNTDB	Divisional Branch Assistant Secretary (General) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Executive Member - QNTDB	Divisional Branch Executive Member and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (South East Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Regional Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Northern Territory) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch

and such persons as referred to in Column A herein shall, subject to these Divisional Rules, continue to hold the office in the merged Divisional Branch as described in Column B herein, until their successor takes office following the 2016 elections.

(h) The officers of the Divisional Branch Council of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Management Committee, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(i) The officers of the Divisional Branch Executive of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Executive, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive and who are by operation of these rules, members of the QNTDB Divisional Branch Executive on and from commencement day, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting.

(j) A member of the QNTDB, who becomes a member on, or following, the commencement day is liable to pay subscriptions and fees in accordance with these Divisional Rules.

(k) There shall be an inaugural meeting of the Divisional Branch Council of the QNTDB to be held within two (2) months of the commencement day.

(l) There shall be an inaugural meeting of the Divisional Branch Executive of the QNTDB to be held within one (1) month of the commencement day.

(m) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QBLDB contiguous with periods of financial membership with the QNTDB.

(n) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QCWDB contiguous with periods of financial membership with the QNTDB.

(o) At meetings of the Divisional Branch Council and Divisional Branch Executive of the QNTDB, quorum shall be as provided by rules 41(a) and 42(b) respectively provided however that for the purposes of quorum at least one (1) member must be a person who was a member of the QBLDB on the day immediately preceding amalgamation day and at least one (1) member must be a person who was a member of the QNTDB on the day immediately preceding amalgamation day.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

105N-BWIU: Incorporates alterations of 7 March 2023 [R2022/140]
(replaces rulebook dated 23 February 2023 [R2022/149])

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 75 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, Construction and General Division and Construction and General Divisional Branches

GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 – NAME

The name of the Division shall be "the Construction and General Division".

2 – ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 – DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

“commencement day” means the date provided by rule 69(iB)(c)

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“QBLDB” means the Queensland Builders Labourers Divisional Branch.

“QNTDB” means the Queensland Northern Territory Divisional Branch.

“UNFINANCIAL DIVISIONAL BRANCH” shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 – MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

(viii) Any person who, at the date of certification of this sub-rule, is a member of the Victorian Divisional Branch or the Tasmanian Divisional Branch shall be and become a member of the Victoria-Tasmania Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Tasmanian Divisional Branch or the Victorian Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania Divisional Branch. Further provided that the period of membership of the Victoria-Tasmania Divisional Branch shall be the same as that held by such members within the Victorian Divisional Branch or Tasmanian Divisional Branch, as the case may be.

(ix) Any person who, at the date of certification of this sub-rule, is a member of the QBLDB shall become a member of the QNTDB and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the QBLDB as at the date this rule takes effect shall become an amount owing to the QNTDB. Further provided that the period of membership of the QNTDB shall be the same as that held by such members within the QBLDB.

5 – ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 – CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2010 or any award of Fair Work Australia replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 – SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 – SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

Provided that if at any time there is no longer an office of Divisional Branch Assistant Secretary (Plasterer) in the Australian Capital Territory Divisional Branch, either of the following as determined by the ACT Branch Committee of Management at least three (3) months prior to the opening of nominations as prescribed by r.38 of these Rules, shall be a delegate to Divisional Conference:

- the Divisional Branch Assistant Secretary; or
- a delegate to be elected at the divisional branch elections as prescribed by r.38 of these rules.

For the avoidance of doubt, on and from the date of certification of this sub-rule, any casual vacancy occurring in the relevant National Conference Delegate position as a result of death, resignation, retirement, dismissal or for any other reason shall be filled either ex officio or via an election under Divisional Rule 38(cc) at the discretion of the ACT Branch Committee of Management.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate's proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

(viiA) Those members of the QNTDB and the QBLDB who held office as Divisional Conference Delegates on the day preceding the commencement day shall continue in office and be Divisional Conference Delegates for the QNTDB.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 – DIVISIONAL EXECUTIVE

1.A For the purpose of the quadrennial Divisional elections to be held in 2013 and thereafter, the Divisional Executive shall be composed of one (1) Divisional President, one (1) Divisional Senior Vice President, one (1) Divisional Vice President, one (1) Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Provided that where a Divisional Branch Secretary also holds the office of Divisional Secretary, the position he or she otherwise would have held on the Divisional Executive as Divisional Branch Secretary shall be held by a Divisional Branch Assistant Secretary from that Divisional Branch.

Further, provided that in addition to the Divisional Executive members referred to in the immediately preceding paragraph, there shall be an additional Divisional Executive member for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch. For the purpose of this sub-rule the number of financial members shall be the number of such members as at 31 March in the year of the election. Such additional Divisional Executive members shall, notwithstanding sub-rule 2 herein, be nominated and elected by and from the Divisional Conference delegates from the relevant Divisional Branches to which those offices relate, such election to be conducted at the same time as the election of the Divisional Executive members referred to in the preceding paragraph.

Further provided that immediately following the declaration of the result of the election/ballot in accordance with sub-rules 7 or 11 herein, as the case may be, the Divisional Returning Officer shall call for nominations from the newly elected Divisional Executive members, other than the Divisional President, Divisional Senior Vice President, Divisional Secretary and Divisional Assistant

Secretaries, for the office of Divisional Vice-President, and if necessary, conduct a ballot to determine that position.

2. Except for the filling of extraordinary vacancies and the office of Divisional Vice-President, the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

4A. In addition, the Divisional Returning Officer shall have the conduct of the election of two (2) members of the National Women's Committee in accordance with rule 13B of the National Rules of the Union and according to the process set out in sub-rules (5)-(12) below.

The two (2) National Women's Committee member positions must be held by women and shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter, and shall hold office until the date referred to in sub-rule 9.13(a) hereof.
To be clear, the two (2) National Women's Committee members are not members of the Divisional Executive.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special

Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. -The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1A hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

The ballot for the two (2) members of the National Women's Committee shall be dealt with and completed.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer, and the Divisional Secretary may concurrently hold a full-time office in a Divisional Branch.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in a year in which an election is required in accordance with these rules or until the Sunday immediately following the declaration of their successor's election at Divisional Conference (whichever is later).

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates t Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

(c) For the avoidance of doubt, on and from the date of certification of this sub-rule 14(c), the provisions of this sub-rule 14 shall apply to the filling of any casual vacancy occurring in the office of Senior Vice-President as a result of death, resignation, retirement, dismissal or for any other reason.

(d) For the avoidance of doubt, on and from the date of certification of this sub-rule 14(d), the provisions of this sub-rule 14 shall apply to the filling of any casual vacancy occurring in the National Women's Committee positions as a result of death, resignation, retirement, dismissal or for any other reason.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless –

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Secretary or Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Secretary or Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-President and Divisional Vice-President) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 – REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 – REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 – VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 – DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each financial year. Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

The Divisional Secretary may concurrently hold a full-time office in a Divisional Branch.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 – FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 – AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each financial year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 – ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 – RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 – DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch)

Provided however that the operation of the Victoria-Tasmania Divisional Branch shall be reviewed by the Divisional Executive with a view to re-establishing separate Divisional Branches in the States of Victoria and Tasmania where, in the opinion of the Divisional Executive, the establishment of such separate Divisional Branches is in the interests of the members in those states and the Division as a whole. Such a review shall be completed within three (3) years of the declaration of the ballot for the Divisional Branch elections in 2012.

(ii) Notwithstanding any other rule to the contrary, the Divisional Branch President and the Divisional Branch Secretary of the former Tasmanian Divisional Branch shall upon the establishment of the Victoria-Tasmania Divisional Branch and until the declaration of the Divisional Branch elections in 2012, be and remain delegates to the Divisional Conference of the CFMEU, Construction and General Division.

(c) In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 – DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 – EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be executed by the Divisional Secretary or such other Divisional Officer as authorised by the Divisional Executive.

21 – SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 – DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 – PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 – RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 – LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 – VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 – STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 – NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

(c) In Queensland in accordance with Rule 18 of these rules.

29 – ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Northern Territory Divisional Branch.

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria or Tasmania shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania Divisional Branch.

30 – MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member

to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependent upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

(iv) Queensland Northern Territory Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Northern Territory Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 – ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 – CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Subject to sub-rule (cA), notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

(cA)

(i) This rule applies to members attached to the QNTDB and the SA Divisional Branch and applies notwithstanding the provisions of sub-rule (c).

(ii) Notwithstanding anything elsewhere in the rules, a member of the QNTDB or the SA Divisional Branch who:

(a) has paid the entrance fee;

(b) commenced on, and makes payment in accordance with, a Scheme, and

(c) either:

(A) has made payment of all Membership Contributions immediately prior to commencing on a Scheme; or

(B) has authorised the deduction of an amount that will result in the payment of all Membership Contributions within six (6) months of commencing on a Scheme or with such longer period as the Divisional Branch Secretary permits,

will be a financial member and will be entitled to all the benefits of membership including the right to vote.

(iii) A member making payment of their Membership Contributions in accordance with:

(a) a payroll deduction scheme will be unfinancial if in arrears for a period of three (3) months after the last payment under the payroll deduction scheme was received; or

(b) a direct debit scheme will be unfinancial if in arrears of two (2) Periodic Payments.

(iv) For the purposes of this rule:

(a) 'Direct Debit Scheme' means a scheme where a member provides written authority for contributions payable to the QNTDB or the SA Divisional Branch to be deducted, on such regular basis as the respective Divisional Branch Secretary agrees, from the member's financial institution, similar debit account or credit card;

(b) 'Membership Contribution' means entrance fees, subscriptions and levies in accordance with these Divisional Rules;

(c) 'Payroll Deduction Scheme' means a scheme where a member provides written authority to their employer for contributions payable to the QNTDB or the SA Divisional Branch to be deducted, on such regular basis as the respective Divisional Branch Secretary agrees, from the member's salary;

(d) 'Periodic Payment' means a payment required to be made by a member of the QNTDB or the SA Divisional Branch at the frequency authorised in their written authority; and

(e) 'Scheme' means a Payroll Deduction Scheme or a Direct Debit Scheme.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and
2. In payment of any fines due, and
3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (cA) and (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 – COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 – AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

35 – FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there may be established funds to be known as the Benefit Fund and Contingent Fund, which are to be used exclusively for the purpose set out in the rule covering these funds and not used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of a Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of a Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 – AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every financial year to and including the last day of December of each financial year. Such auditor shall also produce and certify a yearly balance sheet. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 – OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) Without affecting the term of office of persons holding office as Divisional Branch Officers in the QNTDB and the QBLDB immediately prior to the date of certification of this sub-rule, in the QNTDB the officers of the Divisional Branch shall, on and from 3 January 2014 and as a result of the merger of the QNTDB and the QBLDB, consist of the Divisional Branch President, two (2) Divisional Branch Senior Vice-Presidents (which positions shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and two Divisional Branch Executive Members.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary, Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

Provided however that on and from the date of certification of this amendment there shall be only one (1) Divisional Branch Assistant Secretary in the Western Australian Divisional Branch.

(v) (a) On and from the date of certification of this sub-rule and until 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, 4 Divisional Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, a Divisional Branch Assistant Secretary, a Divisional Branch Senior Vice-President (FEDFA), a Divisional Branch Assistant Secretary (FEDFA), (both of which shall be paid, full-time positions), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(i) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

37A – EXECUTION OF DOCUMENTS

Industrial agreements affecting the employment of members of a single Divisional Branch, or persons within the geographic area and occupational categories within the State or Territory for which a single Divisional Branch is responsible, and any other instruments concerning the affairs of a single Divisional Branch, shall be executed by the Divisional Branch Secretary, or such other Divisional Branch Officer as authorised by the Divisional Branch Executive.

38 – DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(iA) In relation to the South Australian Divisional Branch only, subrules (a)(i)(B) and (C) and the scale in sub-rule (a)(vi) will not apply to the filling of any casual vacancy that exists at the time of this rule change, or to any casual vacancy that may arise prior to nominations being called for the Divisional Branch election to be held in 2024.

For the avoidance of doubt, a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, and will be filled in accordance with r38(cc).

Further, in relation to the South Australian Divisional Branch only, the offices which are identified in sub-rule (a)(vi) which require 3 years' continuous financial membership of the Branch will only require 1 year's continuous financial membership for the purposes of eligibility in the Divisional Branch election to be held in 2024 only.

Further, for the purposes of the Divisional Branch elections to be held in 2024 for the South Australian Divisional Branch only:

(i) for the purposes of subrules (a)(i)(B) and (a)(vi), 1 years continuous financial membership may be of any Divisional Branch (including, but not limited to, the South Australian Divisional Branch) including continuous financial membership of more than one Divisional Branch; and

(ii) for the purposes of sub-rule (a)(i)(C)(i), a person will be eligible if they have been engaged as an officer (as defined in rule 37), or as an employee, of any Divisional Branch (or in any state registered counterpart organisation thereto) including, but not limited to, the South Australian Divisional Branch.

(iB) In relation to the Victoria-Tasmania Divisional Branch only, the offices of Divisional Branch Senior Vice President and Divisional Branch Vice President which are identified in sub-rule (a)(vi) as requiring 3 years' continuous financial membership of the Branch will only require 2 years' continuous financial membership for the purposes of eligibility in the Divisional Branch election to be held in 2020 only.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary Divisional Branch Secretary/Treasurer Divisional Branch Assistant Secretary Divisional Branch President Divisional Branch Senior Vice-President and Vice President Divisional Branch Delegate to Divisional Conference	) 3 years' continuous financial membership
Divisional Branch Management Committee Member District Secretary/Organiser Organiser Sub-Branch Secretary, President, Or Management Committee Member Divisional Branch Trustee (South Australia and Queensland Builders Labourers' Divisional Branches)	) 1 year's continuous financial membership
Divisional Branch Councillor, representatives	) financial membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election. In the event that a delay in the conduct of an election means that the results for an office are not declared until after 2 January, the successful candidate(s) shall take up office on the Monday immediately following the declaration of their election. In circumstances where the results for an office are declared after 2 January, the term of the candidate will be reduced by the length of the delay to ensure that there is no disruption to the next scheduled Divisional Branch election under these rules.

(b)(i) In the event that there is a delay of the kind described in rule 38(b), the incumbent will hold over office beyond 2 January and until their successor takes up office on the Monday immediately following the declaration of their election. Any action taken by the incumbent while holding over office shall not be invalidated merely because they have been held over in the position in accordance with these rules.

(c) Nominations for the above positions shall be called by the Returning Officer by notification in the union journal and the Divisional and relevant Divisional Branch website. Where a Divisional Branch printed journal is not scheduled for publication within two weeks of the opening of nominations then the website notification shall suffice. Alternatively, notice may be given to members by publication in one daily newspaper circulating in the Divisional Branch area on or before the last day of August in the year of the election.

Provided that such notifications shall clearly indicate that the Divisional Executive members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations must be lodged with the Returning Officer before the close of nominations at the address and by the methods specified on the notice of election. Nomination forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Returning Officer to fill any vacancy or vacancies the Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within one day of the closing of nominations, a certified list of financial members entitled to vote to the Returning Officer.

(n) The Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Returning Officer shall post to each member eligible to vote by pre-paid post all ballot papers. The ballot papers shall be posted to ensure eligible members receive them not less than 14 days before the closing of the ballot.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Returning Officer shall collect the returned ballot papers and keep them securely under their custody until the commencement of the count.

(s) The Returning Officer shall advise scrutineer/s of a secure space and location where the count shall occur. If the AEC is conducting the election, the counting of the ballot shall take place on AEC premises. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.

(u) (i) The Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post.

The Returning Officer's report to the Divisional Executive shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot, or otherwise in accordance with rule 38(b), and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot.

They shall obey any directions given to them by the Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

39 – PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 – SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Northern Territory Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.
Camden Zone:	3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.
Country Zone:	3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

The counties referred to in this sub-rule are as defined in accordance with the NSW lands administrative divisions.

(ii) (A) Without affecting the term of office of the Divisional Branch Council members of the QNTDB elected to office at the 2016 Divisional Branch elections, on and from the date of certification of this sub-rule, and thereafter, the Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) two (2) Divisional Branch Senior Vice-Presidents;
(iii) two (2) Divisional Branch Vice-Presidents;
(iv) the Divisional Branch Secretary;
(v) the Divisional Branch Assistant Secretaries;

(vi) two (2) Divisional Branch Executive Members;

(vii) 12 members on the Divisional Branch Council who shall be elected by and from the three sub-groups as follows:

(a) eight (8) Divisional Branch Council members who shall be elected by, and from, the members who reside in South East Queensland;

(b) three (3) Divisional Branch Council Members who shall be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) one (1) Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory, subject to the:

1. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) if the Divisional Branch President resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) if the Divisional Branch President resides in Regional Queensland;

c. under paragraph (vii)(c) being reduced by one (1) if the Divisional Branch President resides in the Northern Territory;

2. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) or more if one (1) or more of the Divisional Branch Senior Vice Presidents resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) or more if one (1) or more of the Divisional Branch Senior Vice Presidents resides in Regional Queensland; and/or

c. under paragraph (vii)(c) being reduced by one (1) if a Divisional Branch Senior Vice President resides in the Northern Territory;

3. number of Divisional Branch Council member/s elected:

a. under paragraph (vii)(a) being reduced by one (1) or more if one (1) or more of the Divisional Branch Executive Members resides in South East Queensland;

b. under paragraph (vii)(b) being reduced by one (1) or more if one (1) or more of the Divisional Branch Executive Members resides in Regional Queensland; and/or

c. under paragraph (vii)(c) being reduced by one (1) or more if a Divisional Branch Executive Member resides in the Northern Territory;

(B) The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, the Divisional Branch President and the Divisional Branch Senior Vice-Presidents shall, subject to this sub-rule, be elected by and from Members of the QNTDB, who are eligible to nominate and vote in accordance with these Rules.

(C) The Divisional Branch Council may, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine whether the office of Divisional Branch President is to be held on an honorary or full-time basis following the quadrennial election, provided that for the purposes of the quadrennial election to be held in 2020, the office of Divisional Branch President is to be honorary.

(D) The Divisional Branch Senior Vice Presidents and the Divisional Branch Executive Members shall, subject to this sub-rule, be elected by and from members of the QNTDB, who are eligible to nominate and vote in accordance with these rules.

(E) The Divisional Branch Assistant Secretary (Painters) (if any) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, the members of the QNTDB, who are eligible for membership under National Rule 2(A)(b) and entitled to vote.

(F) The Divisional Branch Assistant Secretary (Plasterers) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, the members of the QNTDB, who are eligible for membership under National Rule 2(A)(a)(ii) and entitled to vote.

(G) The Divisional Branch Assistant Secretaries (General) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, all members of the QNTDB, who are entitled to vote.

(H) The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

(I) The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

(J) The Divisional Branch Council will, at its first meeting held following a quadrennial election, elect from its members two (2) Divisional Branch Vice-Presidents and:

(i) the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9; and

(ii) Divisional Branch Vice-Presidents will not, apart from holding the office of Divisional Branch Council Member, hold any other office in the QNTDB.

(K) Despite sub-rule (I):

(i) the Divisional Branch Council may determine that a full time office of Divisional Branch Assistant Secretary will, with the consent of the incumbent in that office, revert to an honorary office; and

(ii) where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Executive may, prior to filling the vacancy pursuant to these Rules, resolve whether the office will be abolished or whether it is to be filled on an honorary or full-time basis.

(L) Despite sub-rule (C):

(i) the Divisional Branch Council may determine that a full time office of Divisional Branch President will, with the consent of the incumbent in that office, revert to an honorary office; and

(ii) where a casual vacancy arises in an office of Divisional Branch President, the Divisional Branch Executive may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(M) For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council;

(s) Torres Strait & Torres Strait Regional Council;

(t) Shire of Mareeba; and

(u) Shire of Douglas.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Noosa;

(h) Redland;

(i) Scenic Rim;

(j) Somerset; and

(k) Sunshine Coast.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) On and from 2 January, 2013 or the declaration of the election in 2012 whichever is the later, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

(b) The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the

whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Further provided that on and from the 1 April 2012 and as a consequence of the integration of the South Australian District Branch of the Mining and Energy Division, the following persons shall, until the expiration of the term of office of the office holders of the South Australian Divisional Branch as at the date of certification of this rule, be members of the South Australian Divisional Branch Council representing the interests of those members of the Divisional Branch who were formerly members of, or eligible to be members of the South Australian District Branch of the Mining and Energy Division - Robert Geyer, Brad Prince.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Returning Officer and a Deputy Returning Officer, who shall act in the absence of the Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Returning Officer shall hold office until a successor thereto is duly appointed. The Returning Officer shall have absolute control of any election or appointment.

(ii) The Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 – MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.
Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 – DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) (A) In the QNTDB there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. two (2) Divisional Branch Senior Vice-Presidents;

C. two (2) Divisional Branch Vice-Presidents;

D. Divisional Branch Secretary;

E. Divisional Branch Assistant Secretaries; and

F. two (2) Divisional Branch Executive Members.

(B) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Northern Territory Divisional Branch be taken so far as the context allows to be a reference to the Queensland Northern Territory Divisional Branch Executive established in accordance with this sub-rule.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) On and from 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office (or otherwise in accordance with rule 38(b)). Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their

allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A – DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

(i) In the Victoria-Tasmania Divisional Branch there shall be a Divisional Branch Executive Committee consisting of the Divisional Branch President, the Divisional Branch Senior Vice-President (FEDFA), the three Divisional Branch Vice-Presidents, the Divisional Branch Vice-President (FEDFA), the Divisional Branch Secretary, the Divisional Branch Assistant Secretary and the Divisional Branch Assistant Secretary (FEDFA). Provided however that on and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B – DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

(i) On and from the date of certification of this sub-rule and until 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, there shall be a Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch, (Tasmania Sub-Branch), the members of which shall consist of the following persons who were, immediately prior to this rule taking effect, members of the Tasmanian Divisional Branch Management Committee:-

Name	Office Held within Tasmanian Divisional Branch	Office Held within Victoria-Tasmania Divisional Branch
Bill White	Divisional Branch Secretary	Sub-Branch Secretary
Dale Cracknell	Divisional Branch President	Sub-Branch President
Michael Van de Kamp	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Michael Norris	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Mick Huxley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Roy Smedley	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Paul Rainey	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member
Dickie Post	Divisional Branch Management Committee Member	Sub-Branch Management Committee Member

(ii) On and from 2 January, 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(iii) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch. Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only. Further provided that the Victoria-Tasmania Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Tasmanian Divisional Branch and the Victorian Divisional Branch immediately prior to the certification of this sub-rule.

43 – DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In the New South Wales Divisional Branch and the Victoria-Tasmania Divisional Branch, the Divisional Branch President shall be employed in a full-time capacity.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 – DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, the Queensland and Northern Territory Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

45 – DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter (or in the event of a delay in the conduct of an election, in accordance with rule 38(b)). In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the Divisional Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the Divisional Branch Assistant Secretary.

The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 – DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Branch Office, together with a statement of the assets and liabilities of the Divisional Branch Office for the financial year ending 31st December. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

47 – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 – (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A – DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

48B – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E – DELETED

48F – DIVISIONAL BRANCH SENIOR VICE-PRESIDENTS/DIVISIONAL BRANCH VICE-PRESIDENTS (QUEENSLAND)

(i) This rule applies only in relation to the QNTDB and notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers.

(ii) In the QNTDB there shall be two Divisional Branch Senior Vice-Presidents one of whom shall, in the absence of the Divisional Branch President, preside at meetings of, or convened by, the Divisional Branch Council or Divisional Branch Executive. The Divisional Branch Executive will determine, for the purposes of this sub-rule, which of the Divisional Senior Vice-Presidents is to so act.

(iii) The Divisional Branch Senior Vice-Presidents in the QNTDB shall have such other duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

(iv) The Divisional Branch Vice-Presidents in the QNTDB shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

49 – FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 – DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 – REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 – DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 – MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 – PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 – APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 – DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 – SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 – VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 – ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 – TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 – FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 – CONTINGENT FUND

If the Divisional Branch establishes a Contingent Fund, it may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 – RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 – STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 – INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 – DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 – REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 – SPECIAL RULES

(iA) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elect to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(iB) (a) The purpose of this rule is to provide for:

(i) the merger of the QNTDB with the QBLDB to constitute on commencement day, the QNTDB; and

(ii) the conduct of the first election for the offices of the QNTDB in the year 2016 ("the 2016 elections").

(b) This rule shall apply notwithstanding any other provision of these Divisional Rules.

(c) The provisions of this rule provide for the merger and shall take effect on, and from, either the 3rd January 2014 or the day after the General Manager of the Fair Work Commission certifies them, whichever is the later ("the commencement day").

(d) The QNTDB, and the members attached to it, shall comply with the provisions of this rule severally.

(e) On, and from, the commencement day, the QNTDB and the QBLDB shall be merged to form the Queensland-Northern Territory Divisional Branch.

(g) On commencement day the financial members of the QNTDB shall, despite rule 40(2)(ii)(C), be represented in the offices set out in column B by the persons holding the office set out in column A on the day immediately preceding the commencement day in respectively the QNTDB or the QBLDB:

A	B
Divisional Branch Secretary - QBLDB	Divisional Branch President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch President - QBLDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Assistant Secretary - QBLDB	Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Vice President - QBLDB	Divisional Branch Vice President and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Trustees - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Treasurer - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Guardian - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Executive Members - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch President - QNTDB	Divisional Branch Senior Vice President Divisional Branch Council Member and

	Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Vice-President - QNTDB	Divisional Branch Vice President (Construction Workers Divisional Branch) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Secretary - QNTDB	Divisional Branch Secretary Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Plasterers) - QNTDB	Divisional Branch Assistant Secretary (Plasterers) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Painters) - QNTDB	Divisional Branch Assistant Secretary (Painters) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (General) - QNTDB	Divisional Branch Assistant Secretary (General) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Executive Member - QNTDB	Divisional Branch Executive Member and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (South East Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Regional Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Northern Territory) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch

and such persons as referred to in Column A herein shall, subject to these Divisional Rules, continue to hold the office in the merged Divisional Branch as described in Column B herein, until their successor takes office following the 2016 elections.

(h) The officers of the Divisional Branch Council of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Management Committee, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(i) The officers of the Divisional Branch Executive of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Executive, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive and who are by operation of these rules, members of the QNTDB Divisional Branch Executive on and from commencement day, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting.

(j) A member of the QNTDB, who becomes a member on, or following, the commencement day is liable to pay subscriptions and fees in accordance with these Divisional Rules.

(k) There shall be an inaugural meeting of the Divisional Branch Council of the QNTDB to be held within two (2) months of the commencement day.

(l) There shall be an inaugural meeting of the Divisional Branch Executive of the QNTDB to be held within one (1) month of the commencement day.

(m) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QBLDB contiguous with periods of financial membership with the QNTDB.

(n) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QCWDB contiguous with periods of financial membership with the QNTDB.

(o) At meetings of the Divisional Branch Council and Divisional Branch Executive of the QNTDB, quorum shall be as provided by rules 41(a) and 42(b) respectively provided however that for the purposes of quorum at least one (1) member must be a person who was a member of the QBLDB on the day immediately preceding amalgamation day and at least one (1) member must be a person who was a member of the QNTDB on the day immediately preceding amalgamation day.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 500 Swanston Street, Carlton, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at Trades Hall, 10-16 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

END OF RULES

105N-BWIU: Incorporates alterations of 14 September 2023 [R2023/57]
(replaces rulebook dated 7 March 2023 [R2022/140])

I CERTIFY under section 161 of the Fair Work (Registered

Organisations) Act 2009 that the pages herein numbered

1 to 74 both inclusive and 1 to 12 both inclusive contain a true and correct copy of

the registered rules of the Construction, Forestry,

Mining and Energy Union, Construction and General

Division and Construction and General Divisional Branches

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

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CONSTRUCTION AND GENERAL DIVISION RULES

1 – NAME

The name of the Division shall be "the Construction and General Division".

2 – ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

Further provided that in the State of South Australia, every member who is a member of the Union by virtue of Rule 2(D) shall belong to this Division.

3 – DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

“commencement day” means the date provided by rule 69(iB)(c)

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"QBLDB" means the Queensland Builders Labourers Divisional Branch.

"QNTDB" means the Queensland Northern Territory Divisional Branch.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 – MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

Any person who, as at 1 April 2010, is a member of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch of the Construction and General Division shall be and become a member of the Divisional Branch of the Construction and General Division covering the locality in which they reside and shall have the same financial membership status within that Divisional Branch as they did within the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch at the time of the transfer. Any outstanding membership contributions owing to the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch as at 1 April 2010 shall become an amount owing to the Divisional Branch into which such members are transferred pursuant to this rule. Further, the period of membership of the Divisional Branch into which any such members are transferred shall be the length of time that such persons have been members of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch and the former The Federated Brick Tile and Pottery Industrial Union of Australia (FBTPU). Further, life membership or honorary membership validly conferred by the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch or the FBTPU upon a member shall be recognised as such within the Divisional Branch into which such members are transferred.

(v) Any person who at the date of the certification of this Sub-Rule is a member of the Australian Building Construction Employees and Builders Labourers Federation, Tasmanian Branch (herein referred to as the BLF (Tasmania)), a Union of employees registered as such under the Industrial Relations Act (Tasmania) shall be and become a member of the Union without payment of any entrance fee and while financial in the BLF (Tasmania) shall be treated as financial in the Union and such membership shall commence on and from the date of the establishment of the Construction Labourers Divisional Branch.

Further, the length of membership of said member shall be the length of time that member has been a member of the BLF (Tasmania) except in the case of persons who have transferred to the BLF (Tasmania) from another Branch of the CFMEU covering labourers, in which case the length of membership shall be the length of time in the BLF (Tasmania) and the other CFMEU Divisional Branch, together.

Provided further that any member of the BLF, Tasmania may, within twenty one (21) days of the certification of this Sub-Rule, opt not to join the CFMEU, by notice, in writing, addressed to the Secretary of the Building Unions Divisional Branch in the State of Tasmania.

All persons who were previously members of the BLF, Tasmania and have been admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation.

(vi) Any person who at 31 March 1994 is a member of the Australian Building Construction Employees and Builders Labourers Federation (Victorian Branch) (BLF Victoria), the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch (ABLF WA), the Australian Building and Construction Workers' Federation (BLF SA), or the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees (BLF QLD) shall, to the extent that such person is eligible, be and become a member of the Union without payment of any entrance fee and while financial in any of the aforesaid unions or branches of the BLF shall be treated as financial in the Union and such membership shall commence on and from 31 March 1994. Further, the length of membership of the said member shall be the length of time that such member has been a member of any of the aforesaid unions or branches of the BLF together with any continuous membership of the Union which membership was continuous with the period of membership of any of the aforesaid unions or branches of the BLF either before or after the date of transfer. Provided that no member transferring by virtue of this rule shall by reason only of that transfer enjoy any right or suffer any liability conferred on a member of the CFMEU by reason of membership at a particular date prior to 31 March 1994.

All persons who were previously members of the BLF, the ABLF WA, the BLF SA, the BLF QLD and are admitted to membership in accordance with this Sub-Rule shall be advised in writing of their admission to membership as soon as practicable thereafter and shall be informed of the financial obligations arising from membership and the circumstances, and the manner, in which such member may resign from the organisation. A person who is notified of their admission to membership in accordance with the Sub-Rule may, in writing, within seven days of the notification thereof, signify their desire not to be a member of the Union and, on receipt of such signification, they shall not be treated as a member of the CFMEU, but, to the extent that moneys are owed to the BLF, such money shall be a debt owing to the CFMEU.

(vii) Any person who, as at 1 April 2012, is a member of the South Australian District Branch of the Mining and Energy Division shall be and become a member of the South Australian Divisional Branch of the Construction and General Division and shall have the same financial membership status within that Divisional Branch as they did within the South Australian District Branch of the Mining and Energy Division at the time of the transfer. Any outstanding membership contributions owing to the South Australian District Branch of the Mining and Energy Division as at 1 April 2012 shall become an amount owing to the South Australian Divisional Branch of the Construction and General Division pursuant to this rule. Further, the period of membership of the South Australian Divisional Branch of the Construction and General Division shall be the length of time that such persons have been members of the South Australian District Branch of the Mining and Energy Division. Further, life membership or honorary life membership validly conferred by the South Australian District Branch of the Mining and Energy Division upon a member shall be recognised as such within the South Australian Divisional Branch of the Construction and General Division.

Note: On and from 25 January 2025, or the declaration of the Divisional Branch elections scheduled to be held in 2024, whichever is the later, this rule is affected by operation of Schedule 1.

(viii) [Deleted]

(ix) Any person who, at the date of certification of this sub-rule, is a member of the QBLDB shall become a member of the QNTDB and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the QBLDB as at the date this rule takes effect shall become an amount owing to the QNTDB. Further provided that the period of membership of the QNTDB shall be the same as that held by such members within the QBLDB.

5 – ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 – CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2020 or any award of the Fair Work Commission or any successor Commonwealth Tribunal replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional

Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 – SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 – SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

Provided that if at any time there is no longer an office of Divisional Branch Assistant Secretary (Plasterer) in the Australian Capital Territory Divisional Branch, either of the following as determined by the ACT Branch Committee of Management at least three (3) months prior to the opening of nominations as prescribed by r.38 of these Rules, shall be a delegate to Divisional Conference:

- the Divisional Branch Assistant Secretary; or
- a delegate to be elected at the divisional branch elections as prescribed by r.38 of these rules.

For the avoidance of doubt, on and from the date of certification of this sub-rule, any casual vacancy occurring in the relevant National Conference Delegate position as a result of death, resignation, retirement, dismissal or for any other reason shall be filled either ex officio or via an election under Divisional Rule 38(cc) at the discretion of the ACT Branch Committee of Management.

The Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch (and its predecessor) shall, until 1 January 2013 only, be entitled to two delegates to the Divisional Conference of the Construction and General Division. The two delegates shall be the persons holding the offices of Industry Divisional Branch Secretary and the Industry Divisional Branch President (honorary) of the Brick, Tile, Pottery, Construction Materials and Related Products Industry Divisional Branch immediately prior to the date of certification of this paragraph of sub-rule (ii).

Note: This sub-rule is affected by the operation of Schedule 1.

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA) Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first two (2) thousand members or part thereof and one delegate for each succeeding two (2) thousand members or part thereof.

Note: This sub-rule is affected by the operation of Schedule 1.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

Note: This sub-rule is affected by the operation of Schedule 1.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate's proxy.

(viA) For the purposes only of elections for the Australian Capital Territory Divisional Branch offices of delegates to Divisional Conference the electorate in respect of the delegate to Divisional Conference provided for in this sub-rule comprises all of the members of the Division who are residing or employed in the Northern Territory and who are members of the Australian Capital Territory Divisional Branch. For the avoidance of doubt it is provided that for the purposes of calculating the entitlement of the Australian Capital Territory Divisional Branch pursuant to sub-rules (iii) and (iv) of this Rule the members of that Branch who are residing or employed in the Northern Territory shall not be included and all other provisions affecting the entitlement of that Branch to delegates to Divisional Conference shall continue to apply.

Forthwith after the commencement of this sub-rule an election shall be conducted by and from the members of the Australian Capital Territory Divisional Branch who are residing or employed in the Northern Territory for the office of "ACT Divisional Branch Northern Territory delegate to Divisional Conference". On and from the declaration of that election the delegate elected shall have all the rights and responsibilities of delegates to Divisional Conference who took office on 1 January 2005 and shall hold office until the expiry of the terms of office of all other delegates to Divisional Conference under these Rules. Thereafter the delegate elected pursuant to this sub-rule shall hold office for the same term as all other delegates to Divisional Conference.

From 2 January 2009 or the declaration of the Divisional Branch elections in 2008, whichever is the later, the office of ACT Divisional Branch Northern Territory delegate to Divisional Conference shall cease to exist and a new office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the preceding two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference.

From 2 January 2013 or the declaration of the Divisional Branch elections in 2012, whichever is the later, the office of Western Australian Divisional Branch (Northern Territory) delegate to Divisional Conference shall cease to exist and a new office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference shall be created in lieu thereof. The provisions of the first two paragraphs of this sub-rule shall apply, *mutatis mutandis*, with respect to the office of Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

Note: This sub-rule is affected by the operation of Schedule 1.

(viiA) Those members of the QNTDB and the QBLDB who held office as Divisional Conference Delegates on the day preceding the commencement day shall continue in office and be Divisional Conference Delegates for the QNTDB.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less that 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 – DIVISIONAL EXECUTIVE

1.A For the purpose of the quadrennial Divisional elections to be held in 2013 and thereafter, the Divisional Executive shall be composed of one (1) Divisional President, one (1) Divisional Senior Vice President, one (1) Divisional Vice President, one (1) Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Provided that where a Divisional Branch Secretary also holds the office of Divisional Secretary, the position he or she otherwise would have held on the Divisional Executive as Divisional Branch Secretary shall be held by a Divisional Branch Assistant Secretary from that Divisional Branch.

Further, provided that in addition to the Divisional Executive members referred to in the immediately preceding paragraph, there shall be an additional Divisional Executive member for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch. For the purpose of this sub-rule the number of financial members shall be the number of such members as at 31 March in the year of the election. Such additional Divisional Executive members shall, notwithstanding sub-rule 2 herein, be nominated and elected by and from the Divisional Conference delegates from the relevant Divisional Branches to which those offices relate, such election to be conducted at the same time as the election of the Divisional Executive members referred to in the preceding paragraph.

Further provided that immediately following the declaration of the result of the election/ballot in accordance with sub-rules 7 or 11 herein, as the case may be, the Divisional Returning Officer shall call for nominations from the newly elected Divisional Executive members, other than the Divisional President, Divisional Senior Vice President, Divisional Secretary and Divisional Assistant

Secretaries, for the office of Divisional Vice-President, and if necessary, conduct a ballot to determine that position.

Note: This sub-rule is affected by the operation of Schedule 1.

2. Except for the filling of extraordinary vacancies and the office of Divisional Vice-President, the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. deleted.

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

4A. In addition, the Divisional Returning Officer shall have the conduct of the election of two (2) members of the National Women's Committee in accordance with rule 13B of the National Rules of the Union and according to the process set out in sub-rules (5)-(12) below.

The two (2) National Women's Committee member positions must be held by women and shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter, and shall hold office until the date referred to in sub-rule 9.13(a) hereof.
To be clear, the two (2) National Women's Committee members are not members of the Divisional Executive.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. -The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1A hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

The ballot for the two (2) members of the National Women's Committee shall be dealt with and completed.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer, and the Divisional Secretary may concurrently hold a full-time office in a Divisional Branch.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any

delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in a year in which an election is required in accordance with these rules or until the Sunday immediately following the declaration of their successor's election at Divisional Conference (whichever is later).

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates t Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

(c) For the avoidance of doubt, on and from the date of certification of this sub-rule 14(c), the provisions of this sub-rule 14 shall apply to the filling of any casual vacancy occurring in the office of Senior Vice-President as a result of death, resignation, retirement, dismissal or for any other reason.

(d) For the avoidance of doubt, on and from the date of certification of this sub-rule 14(d), the provisions of this sub-rule 14 shall apply to the filling of any casual vacancy occurring in the National Women's Committee positions as a result of death, resignation, retirement, dismissal or for any other reason.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless –

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members

or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

Note: This sub-rule is affected by the operation of Schedule 1.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Secretary or Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Secretary or Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-President and Divisional Vice-President) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six.

Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 – REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 – REMOVAL OF OFFICERS

(a) (i) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph i) herein, the procedure to be adopted shall be as follows:

a) The officer is to be summoned to attend the meeting at least 7 days prior to the meeting,

b) Notice of the charge or allegation is to be given sufficient to enable a reply,

c) The officer is to be afforded an opportunity of being present at the hearing and of being heard in his/her own defence, including an opportunity to cross-examine and to give and call evidence.

(b) Should any officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

12 – VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 – DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each financial year. Such financial statement to be made available to Divisional Conference, Executive, National

Conference, National Executive, National Secretary and Divisional Branches of this Division. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

The Divisional Secretary may concurrently hold a full-time office in a Divisional Branch.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may, prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

One of the Divisional Senior Vice-Presidents shall until the election of Divisional Officers after 2 January 1997 be a representative of Painters and that Divisional Senior Vice-President shall be a full-time officer of the Division.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 – FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 – AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each financial year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 – ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 – RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 – DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) (i) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch.

(ii) [Deleted]

Note: This sub-rule is affected by the operation of Schedule 1.

(c) In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) Victoria

(i) The Victorian Divisional Branch shall have the control and management of all funds, assets and liabilities that had been controlled, held or managed by the Victorian FEDFA Divisional Branch and the Victorian Building Unions Divisional Branch immediately prior to the certification of this sub-rule.

(ii) The transfer of funds, assets and liabilities mentioned in the preceding sub-rule shall occur subject to any transfer of funds, assets and liabilities from the Victorian FEDFA Divisional Branch to the Mining and Energy Division in accordance with the rules of the CFMEU.

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 – DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 – EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be executed by the Divisional Secretary or such other Divisional Officer as authorised by the Divisional Executive.

21 – SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 – DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 – PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 – RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 – LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 – VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 – STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by

leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 – NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

Note: This sub-rule is affected by the operation of Schedule 1.

(c) In Queensland in accordance with Rule 18 of these rules.

29 – ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Northern Territory Divisional Branch.

Note: This sub-rule is affected by the operation of Schedule 1.

30 – MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

Note: This sub-rule is affected by the operation of Schedule 1.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member

to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependent upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

Note: This sub-rule is affected by the operation of Schedule 1.

(iv) Queensland Northern Territory Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Northern Territory Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) Victorian FEDFA Divisional Branch

A period of prior membership of the former FEDFA Division Victorian Divisional Branch shall count as a period of membership of the Construction and General Division Victorian FEDFA Divisional Branch, for all purposes including the operation of divisional rule 38(a)(vii).

31 – ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 – CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Subject to sub-rule (cA), notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

(cA)

(i) This rule applies to members attached to the QNTDB and the SA Divisional Branch and applies notwithstanding the provisions of sub-rule (c).

(ii) Notwithstanding anything elsewhere in the rules, a member of the QNTDB or the SA Divisional Branch who:

(a) has paid the entrance fee;

(b) commenced on, and makes payment in accordance with, a Scheme, and

(c) either:

(A) has made payment of all Membership Contributions immediately prior to commencing on a Scheme; or

(B) has authorised the deduction of an amount that will result in the payment of all Membership Contributions within six (6) months of commencing on a Scheme or with such longer period as the Divisional Branch Secretary permits,

will be a financial member and will be entitled to all the benefits of membership including the right to vote.

(iii) A member making payment of their Membership Contributions in accordance with:

(a) a payroll deduction scheme will be unfinancial if in arrears for a period of three (3) months after the last payment under the payroll deduction scheme was received; or

(b) a direct debit scheme will be unfinancial if in arrears of two (2) Periodic Payments.

(iv) For the purposes of this rule:

(a) 'Direct Debit Scheme' means a scheme where a member provides written authority for contributions payable to the QNTDB or the SA Divisional Branch to be deducted, on such regular basis as the respective Divisional Branch Secretary agrees, from the member's financial institution, similar debit account or credit card;

(b) 'Membership Contribution' means entrance fees, subscriptions and levies in accordance with these Divisional Rules;

(c) 'Payroll Deduction Scheme' means a scheme where a member provides written authority to their employer for contributions payable to the QNTDB or the SA Divisional Branch to be deducted, on such regular basis as the respective Divisional Branch Secretary agrees, from the member's salary;

(d) 'Periodic Payment' means a payment required to be made by a member of the QNTDB or the SA Divisional Branch at the frequency authorised in their written authority; and

(e) 'Scheme' means a Payroll Deduction Scheme or a Direct Debit Scheme.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (cA) and (i) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

33 – COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 – AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) (i) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

(ii) A member, with a total of 40 years' membership in their former Union and this Union, providing that such member joined this Union within three months of arrival in Australia or came on transfer from another Union may apply for life membership.

Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(iii) In the case of the New South Wales Divisional Branch, Victoria-Tasmania Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

Note: This sub-rule is affected by the operation of Schedule 1.

35 – FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there may be established funds to be known as the Benefit Fund and Contingent Fund, which are to be used exclusively for the purpose set out in the rule covering these funds and not used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of a Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of a Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 – AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every financial year to and including the last day of December of each financial year. Such auditor shall also produce and certify a yearly balance sheet. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report

of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 – OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) Without affecting the term of office of persons holding office as Divisional Branch Officers in the QNTDB and the QBLDB immediately prior to the date of certification of this sub-rule, in the QNTDB the officers of the Divisional Branch shall, on and from 3 January 2014 and as a result of the merger of the QNTDB and the QBLDB, consist of the Divisional Branch President, two (2) Divisional Branch Senior Vice-Presidents (which positions shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and two Divisional Branch Executive Members.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary, Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

Provided however that on and from the date of certification of this amendment there shall be only one (1) Divisional Branch Assistant Secretary in the Western Australian Divisional Branch.

(v) (a) [Deleted]

Note: This sub-rule is affected by the operation of Schedule 1.

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA), (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

Note: This sub-rule is affected by the operation of Schedule 1.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

Note: This sub-rule is affected by the operation of Schedule 1.

37A – EXECUTION OF DOCUMENTS

Industrial agreements affecting the employment of members of a single Divisional Branch, or persons within the geographic area and occupational categories within the State or Territory for which a single Divisional Branch is responsible, and any other instruments concerning the affairs of a single Divisional Branch, shall be executed by the Divisional Branch Secretary, or such other Divisional Branch Officer as authorised by the Divisional Branch Executive.

38 – DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(iA) In relation to the South Australian Divisional Branch only, subrules (a)(i)(B) and (C) and the scale in sub-rule (a)(vi) will not apply to the filling of any casual vacancy that exists at the time of this rule change, or to any casual vacancy that may arise prior to nominations being called for the Divisional Branch election to be held in 2024.

For the avoidance of doubt, a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, and will be filled in accordance with r38(cc).

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

\Note: *This sub-rule is affected by the operation of Schedule 1.*

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary Divisional Branch Secretary/Treasurer Divisional Branch Assistant Secretary Divisional Branch President Divisional Branch Senior Vice-President and Vice President Divisional Branch Delegate to Divisional Conference	) 3 years' continuous financial membership
Divisional Branch Management Committee Member District Secretary/Organiser Organiser Sub-Branch Secretary, President, Or Management Committee Member Divisional Branch Trustee (South Australia and Queensland Builders Labourers' Divisional Branches)	) 1 year's continuous financial membership
Divisional Branch Councillor, representatives	) financial membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election. In the event that a delay in the conduct of an election means that the results for an office are not declared until after 2 January, the successful candidate(s) shall take up office on the Monday immediately following the declaration of their election. In circumstances where the results for an office are declared after 2 January, the term of the candidate will be reduced by the length of the delay to ensure that there is no disruption to the next scheduled Divisional Branch election under these rules.

(b)(i) In the event that there is a delay of the kind described in rule 38(b), the incumbent will hold over office beyond 2 January and until their successor takes up office on the Monday immediately following the declaration of their election. Any action taken by the incumbent while holding over office shall not be invalidated merely because they have been held over in the position in accordance with these rules.

(c) Nominations for the above positions shall be called by the Returning Officer by notification in the union journal and the Divisional and relevant Divisional Branch website. Where a Divisional Branch printed journal is not scheduled for publication within two weeks of the opening of nominations then the website notification shall suffice. Alternatively, notice may be given to members by publication in one daily newspaper circulating in the Divisional Branch area on or before the last day of August in the year of the election.

Provided that such notifications shall clearly indicate that the Divisional Executive members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations must be lodged with the Returning Officer before the close of nominations at the address and by the methods specified on the notice of election. Nomination forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Returning Officer to fill any vacancy or vacancies the Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within one day of the closing of nominations, a certified list of financial members entitled to vote to the Returning Officer.

(n) The Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Returning Officer shall post to each member eligible to vote by pre-paid post all ballot papers. The ballot papers shall be posted to ensure eligible members receive them not less than 14 days before the closing of the ballot.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Returning Officer shall collect the returned ballot papers and keep them securely under their custody until the commencement of the count.

(s) The Returning Officer shall advise scrutineer/s of a secure space and location where the count shall occur. If the AEC is conducting the election, the counting of the ballot shall take place on AEC premises. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.

(u) (i) The Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post.

The Returning Officer's report to the Divisional Executive shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number

unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot, or otherwise in accordance with rule 38(b), and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot.

They shall obey any directions given to them by the Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

Note: This sub-rule is affected by the operation of Schedule 1.

39 – PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 – SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Northern Territory Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone:	22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.
Northumberland Zone:	3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.
Camden Zone:	3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.
Country Zone:	3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

The counties referred to in this sub-rule are as defined in accordance with the NSW lands administrative divisions.

(ii) (A) Without affecting the term of office of the Divisional Branch Council members of the QNTDB elected to office at the 2016 Divisional Branch elections, on and from the date of certification of this sub-rule, and thereafter, the Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) two (2) Divisional Branch Senior Vice-Presidents;
(iii) two (2) Divisional Branch Vice-Presidents;
(iv) the Divisional Branch Secretary;
(v) the Divisional Branch Assistant Secretaries;
(vi) two (2) Divisional Branch Executive Members;
(vii) 12 members on the Divisional Branch Council who shall be elected by and from the three sub-groups as follows:

(a) eight (8) Divisional Branch Council members who shall be elected by, and from, the members who reside in South East Queensland;

(b) three (3) Divisional Branch Council Members who shall be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) one (1) Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory, subject to the:

1. number of Divisional Branch Council member/s elected:

   a. under paragraph (vii)(a) being reduced by one (1) if the Divisional Branch President resides in South East Queensland;

   b. under paragraph (vii)(b) being reduced by one (1) if the Divisional Branch President resides in Regional Queensland;

   c. under paragraph (vii)(c) being reduced by one (1) if the Divisional Branch President resides in the Northern Territory;

2. number of Divisional Branch Council member/s elected:

   a. under paragraph (vii)(a) being reduced by one (1) or more if one (1) or more of the Divisional Branch Senior Vice Presidents resides in South East Queensland;

   b. under paragraph (vii)(b) being reduced by one (1) or more if one (1) or more of the Divisional Branch Senior Vice Presidents resides in Regional Queensland; and/or

   c. under paragraph (vii)(c) being reduced by one (1) if a Divisional Branch Senior Vice President resides in the Northern Territory;

3. number of Divisional Branch Council member/s elected:

   a. under paragraph (vii)(a) being reduced by one (1) or more if one (1) or more of the Divisional Branch Executive Members resides in South East Queensland;

   b. under paragraph (vii)(b) being reduced by one (1) or more if one (1) or more of the Divisional Branch Executive Members resides in Regional Queensland; and/or

   c. under paragraph (vii)(c) being reduced by one (1) or more if a Divisional Branch Executive Member resides in the Northern Territory;

(B) The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, the Divisional Branch President and the Divisional Branch Senior Vice-Presidents shall, subject to this sub-rule, be elected by and from Members of the QNTDB, who are eligible to nominate and vote in accordance with these Rules.

(C) The Divisional Branch Council may, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine whether the office of Divisional Branch President is to be held on an honorary or full-time basis following the quadrennial election, provided that for the purposes of the quadrennial election to be held in 2020, the office of Divisional Branch President is to be honorary.

(D) The Divisional Branch Senior Vice Presidents and the Divisional Branch Executive Members shall, subject to this sub-rule, be elected by and from members of the QNTDB, who are eligible to nominate and vote in accordance with these rules.

(E) The Divisional Branch Assistant Secretary (Painters) (if any) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, the members of the QNTDB, who are eligible for membership under National Rule 2(A)(b) and entitled to vote.

(F) The Divisional Branch Assistant Secretary (Plasterers) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, the members of the QNTDB, who are eligible for membership under National Rule 2(A)(a)(ii) and entitled to vote.

(G) The Divisional Branch Assistant Secretaries (General) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, all members of the QNTDB, who are entitled to vote.

(H) The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

(I) The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

(J) The Divisional Branch Council will, at its first meeting held following a quadrennial election, elect from its members two (2) Divisional Branch Vice-Presidents and:

(i) the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9; and

(ii) Divisional Branch Vice-Presidents will not, apart from holding the office of Divisional Branch Council Member, hold any other office in the QNTDB.

(K) Despite sub-rule (I):

(i) the Divisional Branch Council may determine that a full time office of Divisional Branch Assistant Secretary will, with the consent of the incumbent in that office, revert to an honorary office; and

(ii) where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Executive may, prior to filling the vacancy pursuant to these Rules, resolve whether the office will be abolished or whether it is to be filled on an honorary or full-time basis.

(L) Despite sub-rule (C):

(i) the Divisional Branch Council may determine that a full time office of Divisional Branch President will, with the consent of the incumbent in that office, revert to an honorary office; and

(ii) where a casual vacancy arises in an office of Divisional Branch President, the Divisional Branch Executive may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(M) For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council;

(s) Torres Strait & Torres Strait Regional Council;

(t) Shire of Mareeba; and

(u) Shire of Douglas.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Noosa;

(h) Redland;

(i) Scenic Rim;

(j) Somerset; and

(k) Sunshine Coast.

(iii) In the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch. Of the 9 councillors elected from the membership, 5 shall be tradespersons and 4 shall be non-tradespersons (including 1 councillor who is eligible for membership of the Union pursuant to National Rule 2(E)).

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) The members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and Zone Delegates elected in accordance with the following:

The Zone Delegates to Divisional Branch Council referred to in sub-rule (b) hereof shall be determined in accordance with the following formula:

Size of Zone	Number of Delegates
Up to 500 financial members	4 delegates
Each additional 1000 financial members	3 delegates

The number of financial members of a Zone for the purpose of determining the number of Zone Delegates to Divisional Branch Council in accordance with this paragraph shall be the number of financial members attached to the zone as at 5.00 p.m. on 30 July preceding the calling for nominations for elections of Zone Delegates to Divisional Branch Council.

Wherever any election of the Zone Delegates to Divisional Branch Council becomes necessary only the members belonging to that zone where an election is required to take place shall be eligible to nominate and to receive a ballot paper.

Subject to the proviso in the following paragraph, the Divisional Branch Council shall consist of Zone Councillors in accordance with the formula set out in this paragraph and, in the case of the Metropolitan Melbourne Zone, there shall be representation of carpenters, builders labourers, crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations, drilling/piling, painters/signwriters, bricklayers, roof-tilers, stone masons, wall and

floor tilers, fibrous plasterer/fibrous plaster industry workers and solid plasterers in accordance with the proportions set out in Rule 42(a)(v) with respect to the Victoria-Tasmania Branch Management Committee, and for all other zones, representation shall be by and from all members of the respective zones.

Note: This sub-rule is affected by the operation of Schedule 1.

(b) The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Note: This sub-rule is affected by the operation of Schedule 1.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Returning Officer and a Deputy Returning Officer, who shall act in the absence of the Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Returning Officer shall hold office until a successor thereto is duly appointed. The Returning Officer shall have absolute control of any election or appointment.

(ii) The Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 – MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.
Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 – DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) (A) In the QNTDB there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. two (2) Divisional Branch Senior Vice-Presidents;

C. two (2) Divisional Branch Vice-Presidents;

D. Divisional Branch Secretary;

E. Divisional Branch Assistant Secretaries; and

F. two (2) Divisional Branch Executive Members.

(B) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Northern Territory Divisional Branch be taken so far as the context allows to be a reference to the Queensland Northern Territory Divisional Branch Executive established in accordance with this sub-rule.

(iii) In the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary and eleven other members. Provided however that there shall be at least one painter, 1 FEDFA (ie member eligible pursuant to National Rule 2(E)), 1 bricklayer, 4 builders labourers, 3 carpenters and one other representative elected from the classifications of stone-mason, slater and tiler, wall and floor tiler or plasterer on the Divisional Branch Management Committee.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) The members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

Note: This sub-rule is affected by the operation of Schedule 1.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

Note: This sub-rule is affected by the operation of Schedule 1.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the

Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management
Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office (or otherwise in accordance with rule 38(b)). Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A – DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

Note: This heading is affected by the operation of Schedule 1.

(i) The Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

Note: This sub-rule is affected by the operation of Schedule 1.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B – DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

Note: This heading is affected by the operation of Schedule 1.

(a) There shall be a Tasmania Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch.

(b) The members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(c) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch.

(d) Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only.

Note: This rule is affected by the operation of Schedule 1.

Note: Schedule 1 contains a new rule 42C which has effect in accordance with Schedule 1.

43 – DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In the New South Wales Divisional Branch and the Victoria-Tasmania Divisional Branch, the Divisional Branch President shall be employed in a full-time capacity.

Note: This sub-rule is affected by the operation of Schedule 1.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 – DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, the Queensland and Northern Territory Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

Note: This sub-rule is affected by the operation of Schedule 1.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

Note: This sub-rule is affected by the operation of Schedule 1.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

Note: This sub-rule is affected by the operation of Schedule 1.

(iv) In Victoria-Tasmania the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any

such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

Note: This sub-rule is affected by the operation of Schedule 1.

45 – DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

Note: This sub-rule is affected by the operation of Schedule 1.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter (or in the event of a delay in the conduct of an election, in accordance with rule 38(b)). In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the Divisional Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the Divisional Branch Assistant Secretary.

The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

Note: This sub-rule is affected by the operation of Schedule 1.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 – DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Branch Office, together with a statement of the assets and liabilities of the Divisional Branch Office for the financial year ending 31st December. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

Note: Schedule 1 contains a new rule 46(l) which has effect in accordance with Schedule 1.

47 – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW

Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 – (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A – DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

Note: This sub-rule is affected by the operation of Schedule 1.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

48B – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA)

Note: This heading is affected by the operation of Schedule 1.

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

Note: This sub-rule is affected by the operation of Schedule 1.

(2) The Divisional Branch Senior Vice-President (FEDFA) shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.(5) The Divisional Branch Senior Vice President (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48C – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY (FEDFA)

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

Note: This sub-rule is affected by the operation of Schedule 1.

(2) The Divisional Branch Assistant Secretary (FEDFA) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall, subject to sub-rule (3) hereof, work under the direction of the Divisional Branch Secretary.

(3) The Divisional Branch Assistant Secretary (FEDFA) shall carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch, as may be determined by the Divisional Branch Council from time to time.

(4) The Divisional Branch Assistant Secretary (FEDFA) shall attend all meetings of the Divisional Branch Council and Divisional Branch Management Committee.

(5) The Divisional Branch Assistant Secretary (FEDFA) shall be employed in a full-time capacity.

(6) The Divisional Branch Assistant Secretary (FEDFA) shall be an ex-officio member of all Committees of the Divisional Branch.

48D – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E – DELETED

48F – DIVISIONAL BRANCH SENIOR VICE-PRESIDENTS/DIVISIONAL BRANCH VICE-PRESIDENTS (QUEENSLAND)

(i) This rule applies only in relation to the QNTDB and notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers.

(ii) In the QNTDB there shall be two Divisional Branch Senior Vice-Presidents one of whom shall, in the absence of the Divisional Branch President, preside at meetings of, or convened by, the Divisional Branch Council or Divisional Branch Executive. The Divisional Branch Executive will determine, for the purposes of this sub-rule, which of the Divisional Senior Vice-Presidents is to so act.

(iii) The Divisional Branch Senior Vice-Presidents in the QNTDB shall have such other duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

(iv) The Divisional Branch Vice-Presidents in the QNTDB shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

49 – FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 – DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 – REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 – DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 – MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 – PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 – APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 – DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 – SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 – VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 – ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 – TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 – FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 – CONTINGENT FUND

If the Divisional Branch establishes a Contingent Fund, it may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 – RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 – STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise

ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 – INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – deleted

67 – DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 – REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 – SPECIAL RULES

(iA) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elect to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(iB) (a) The purpose of this rule is to provide for:

(i) the merger of the QNTDB with the QBLDB to constitute on commencement day, the QNTDB; and

(ii) the conduct of the first election for the offices of the QNTDB in the year 2016 (“the 2016 elections”).

(b) This rule shall apply notwithstanding any other provision of these Divisional Rules.

(c) The provisions of this rule provide for the merger and shall take effect on, and from, either the 3rd January 2014 or the day after the General Manager of the Fair Work Commission certifies them, whichever is the later (“the commencement day”).

(d) The QNTDB, and the members attached to it, shall comply with the provisions of this rule severally.

(e) On, and from, the commencement day, the QNTDB and the QBLDB shall be merged to form the Queensland-Northern Territory Divisional Branch.

(g) On commencement day the financial members of the QNTDB shall, despite rule 40(2)(ii)(C), be represented in the offices set out in column B by the persons holding the office set out in column A on the day immediately preceding the commencement day in respectively the QNTDB or the QBLDB:

A	B
Divisional Branch Secretary - QBLDB	Divisional Branch President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch President - QBLDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Assistant Secretary - QBLDB	Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Vice President - QBLDB	Divisional Branch Vice President and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Trustees - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Treasurer - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Guardian - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Executive Members - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch President - QNTDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Vice-President - QNTDB	Divisional Branch Vice President (Construction Workers Divisional Branch) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Secretary - QNTDB	Divisional Branch Secretary Divisional Branch Council Member and

	Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Plasterers) - QNTDB	Divisional Branch Assistant Secretary (Plasterers) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Painters) - QNTDB	Divisional Branch Assistant Secretary (Painters) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (General) - QNTDB	Divisional Branch Assistant Secretary (General) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Executive Member - QNTDB	Divisional Branch Executive Member and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (South East Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Regional Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Northern Territory) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch

and such persons as referred to in Column A herein shall, subject to these Divisional Rules, continue to hold the office in the merged Divisional Branch as described in Column B herein, until their successor takes office following the 2016 elections.

(h) The officers of the Divisional Branch Council of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Management Committee, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(i) The officers of the Divisional Branch Executive of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Executive, shall be entitled to exercise collectively 73% of

the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive and who are by operation of these rules, members of the QNTDB Divisional Branch Executive on and from commencement day, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting.

(j) A member of the QNTDB, who becomes a member on, or following, the commencement day is liable to pay subscriptions and fees in accordance with these Divisional Rules.

(k) There shall be an inaugural meeting of the Divisional Branch Council of the QNTDB to be held within two (2) months of the commencement day.

(l) There shall be an inaugural meeting of the Divisional Branch Executive of the QNTDB to be held within one (1) month of the commencement day.

(m) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QBLDB contiguous with periods of financial membership with the QNTDB.

(n) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QCWDB contiguous with periods of financial membership with the QNTDB.

(o) At meetings of the Divisional Branch Council and Divisional Branch Executive of the QNTDB, quorum shall be as provided by rules 41(a) and 42(b) respectively provided however that for the purposes of quorum at least one (1) member must be a person who was a member of the QBLDB on the day immediately preceding amalgamation day and at least one (1) member must be a person who was a member of the QNTDB on the day immediately preceding amalgamation day.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 540 Elizabeth Street, Melbourne, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

Note: This sub-rule is affected by the operation of Schedule 1.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at 1/32 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

Note: This sub-rule is affected by the operation of Schedule 1.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

Schedule 1 – Temporary Amalgamation of Victoria-Tasmania and South Australia Divisional Branches (2025 – 2029)

Operation of Scheme

1. This Schedule provide for the amalgamation of the Victoria-Tasmania Divisional Branch and the South Australia Divisional Branch.

2. The rules in this Schedule operate on and from 2 January 2025 or the declaration of the divisional elections scheduled to be held in 2024, whichever is later.

3. However, for the purpose of the Divisional Branch election scheduled for 2024, the offices to be elected are those prescribed by Rule 8 (Divisional Conference Delegates) and Rules 37, 38, 40, 42B and 42C (for officers of the Victoria-Tasmania-South Australia Divisional Branch) as amended by this Schedule;

4. To avoid doubt, for the purpose of the Divisional Branch election scheduled for 2024, the persons holding office as at the date the rule changes are certified by the Fair Work Commission, including offices that are abolished as a result of these rule changes, will continue to hold those offices until 2 January 2025 or the declaration of the Divisional Branch elections in 2024, whichever is the later.

Amended Rules

5. In Rule 4, insert new sub-rule (viiA) as follows:

> (vii) Any person who, at the date this sub-rule takes effect, is a member of the Victoria-Tasmania Divisional Branch or the South Australia Branch shall be and become a member of the Victoria-Tasmania-South Australia Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Victoria-Tasmania Branch or the South Australia Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania-South Australian Divisional Branch. The period of membership of the Victoria-Tasmania-South Australia Divisional Branch is, for each person who becomes a member of the Victoria-Tasmania-South Australia Divisional Branch under this subrule, the same as that held by such members within the Victoria-Tasmania Divisional Branch of South Australia Divisional Branch, as the case may be.

6. In Rule 8(ii), in the fifth paragraph down, the words “The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.” are deleted and replaced as follows:

> On and from 25 January 2025, or the declaration of the Divisional Branch elections scheduled to be held in 2024, whichever is the later, the South Australia Sub-Branch Secretary and the South Australia Sub-Branch President shall, by virtue of the holding of such office, be a member of the Divisional Conference.

7. In Rule 8(iii), the existing sub-rule is retained and the following new paragraph is added immediately after the existing words:

In the case of the Victoria-Tasmania-South Australia Branch, the calculation will be performed separately for members who would, but for the amalgamation provided for in this Schedule 1, be members of the South Australia Branch and members who would, but for the amalgamation provided for in this Schedule 1, be members of the Victoria-Tasmania Branch. The number of delegates that the Victoria-Tasmania-South Australia Branch is entitled to elect will be the combined total of these calculations.

Only members who would, but for the amalgamation provided for in this Schedule 1, be members of the South Australia Branch will be entitled to vote for any delegates to which the Victoria-Tasmania-South Australia Branch is entitled by reason of the calculation performed in respect of members who would, but for the amalgamation provided for in this Schedule 1, be members of the South Australia Branch.

Only members who would, but for the amalgamation provided for in this Schedule 1, be members of the Victoria-Tasmania Branch will be entitled to vote for any delegates to which the Victoria-Tasmania-South Australia Branch is entitled by reason of the calculation performed in respect of members who would, but for the amalgamation provided for in this Schedule 1, be members of the Victoria-Tasmania Branch.

To avoid doubt, the entitlements under this sub-rule are in addition to any entitlement the South Australia Sub-Branch Secretary and/or South Australia Sub-Branch President may have to be a member of the Divisional Conference by operation of 8(ii) above.

8. In Rule 8(iv), the existing sub-rule is retained, and a new paragraph is added after the third paragraph\, so that the sub-rule reads:

(iv) For the purpose of this rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

Notwithstanding anything else in this sub-rule, in the case of the Victoria-Tasmania-South Australia Divisional Branch, the calculation shall be performed in accordance with paragraph 1 of this rule, as though the South Australia Divisional Branch and the Victoria-Tasmania Divisional Branch continued to exist as separate Divisional Branches.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

9. In Rule 8(vii), the words "Victoria-Tasmania Divisional Branch" are replaced with "Victoria-Tasmania-South Australia Divisional Branch" wherever they appear so that the sub-rule reads as follows:

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania-South Australia Divisional Branch the Divisional Branch Secretary and the Divisional Branch Assistant Secretary (FEDFA) shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania-South Australia Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first two of the allocated number of delegates for the Victoria-Tasmania-South Australia Divisional Branch calculated in accordance with sub-rule (iii) hereof.

10. In Rule 9.1A, the existing sub-rule is retained and the following words are added at the end of the first paragraph:

On and from 2 January 2025, or the declaration of the Divisional Branch elections scheduled to be held in 2024, whichever is the later, the South Australia Sub-Branch Secretary shall, by virtue of the holding of such office, be a member of the Divisional Executive.

11. In Rule 9, sub-rule 15(l)(iii), the existing sub-rule is retained and a new section is added so that the rule as amended reads:

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

Provided that, in the case of Victoria-Tasmania-South Australia Divisional Branch, the calculation shall be performed separately for members of the Division who reside or are employed in in South Australia, and members of the Division who reside or are employed in Victoria and Tasmania and:

(A) any additional ordinary votes which the Victoria-Tasmania-South Australia Divisional Branch Secretary is entitled to exercise by reason of the calculation performed in respect of members who reside or are employed in Victoria or Tasmania will be exercised by the Victoria-Tasmania-South Australia Divisional Branch Secretary; and

(B) any additional ordinary votes which the Victoria-Tasmania-South Australia Divisional Branch Secretary is entitled to exercise by reason of the calculation performed in respect of members who reside or are employed in South Australia will be exercised by the

South Australia Sub-Branch Secretary who will not, for the purposes of this rule, be entitled to exercise the vote to which he would otherwise be entitled by operation of this rule.

12. In Rule 18, delete sub-rule (b) and replace as follows:

(b)

(i) Subject to rule (iii) below, from 2 January 2025 or the declaration of the divisional elections scheduled to be held in 2024, whichever is later, in Victoria, Tasmania and South Australia, the Divisional branch shall be known as the Construction and General Division, Victoria-Tasmania-South Australia Divisional Branch.

(ii) Further:

(A) In the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania-South Australia Divisional Branch which will be known as the Construction and General Division, Victoria-Tasmania-South Australia Divisional Branch, Tasmania Sub-Branch; and

(B) In the State of South Australia there shall be a sub-branch of the Victoria-Tasmania-South Australia Divisional Branch which will be known as the Construction and General Division, Victoria-Tasmania-South Australia Divisional Branch, South Australia Sub-Branch.

(iii) From 2 January 2029 or the declaration of the divisional elections scheduled to be held in 2028, whichever is the later, the South Australia Divisional Branch shall be re-established as a separate Divisional branch unless the Divisional Executive determines otherwise.

(iv) The Construction and General Divisional Branch Secretary must do all things reasonably necessary to give effect to rule (iii) above including, if necessary, by doing all things reasonably necessary to amend these rules to give effect to the re-establishment of the South Australia Divisional Branch (unless the Divisional Executive has, pursuant to (iii) above, determined otherwise).

13. In Rule 28, sub-rule (b) is amended to delete the ", and", add the words "and South Australia" after the word "Victoria" and append "-South Australia" to the word "Tasmania", so that the sub-rule reads as follows:

(b) In Tasmania, Victoria and South Australia, "The Construction and General Division, Victoria-Tasmania-South Australia Divisional Branch".

14. In Rule 29, insert a new third para as follows:

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria, Tasmania or South Australia shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania-South Australia Divisional Branch.

15. In Rule 30(i)(b), add the following paragraph, after the first paragraph in sub-rule 30(b):

> From 2 January 2025 or the declaration of the divisional elections scheduled to be held in 2024, whichever is later, the South Australia Sub-Branch Management Committee may deal with membership applications for prospective members who reside or are employed in the State of South Australia on behalf of the Victoria-Tasmania-South Australia Divisional Branch.

16. In Rule 30, sub-rule (iii) is amended to replace "Victoria-Tasmania" with "Victoria-Tasmania-South Australia" wherever it appears, including in the sub-heading. Sub-rule (iii)(a) is amended to add the words "who resides or works in either the State of Victoria or the State of Tasmania" after the words "each member". The amended sub-rule reads:

(iii) Victoria-Tasmania-South Australia Divisional Branch

(a) The record of members of the Victoria-Tasmania-South Australia Divisional Branch shall classify each member who resides or works in either the State of Victoria or the State of Tasmania into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(xx) fibrous plasterer/fibrous plaster industry worker
(xxi) crane operations
(xxii) rigger/dogman
(xxiii) plant and machine operations
(xxiv) boiler attendant/engine driver
(xxv) production worker (metal)
(xxvi) concrete pump operations
(xxvii) forklift/hoist operations
(xxviii) driller
(xxix) other

which shall be known as the member's designated classification.

(b) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania-South Australia Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania-South Australia Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania-

South Australia Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania-South Australia Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania-South Australia Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania-South Australia Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania-South Australia Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania-South Australia Divisional Branch accordingly.

(e) The Victoria-Tasmania-South Australia Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania-South Australia Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania-South Australia Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania-South Australia Divisional Branch where election to such office is dependent upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

17. In Rule 34, sub-rule (a)(iii) is amended to delete ", Victoria-Tasmania Divisional Branch", and a new sub-rule (iv) is inserted, so that sub-rule a(iii) and new sub-rule (a)(iv) read as follows:

(iii) In the case of the New South Wales Divisional Branch and the ACT Divisional Branch the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years.

(iv) In the case of the Victoria-Tasmania-South Australia Divisional Branch, the forty (40) years mentioned in sub-rule (ii) shall be read as thirty (30) years for members residing or employed in Victoria and Tasmania (but not South Australia).

18. In Rule 37(v), sub-rule (b) is deleted and replaced with the following:

(b) On and from 2 January 2025 or the declaration of the divisional branch election in 2024, whichever is later, the officers of the Victoria-Tasmania-South Australia Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (FEDFA) (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Tasmania Sub-Branch Management Committee referred to in Rule 42B herein the members of the Divisional Branch South Australia Sub-Branch Management Committee referred to in Rule 42C herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

19. In Rule 37(vi), the sub-rule is deleted, and reads as follows:

(vi) Deleted.

20. In Rule 38, sub-rule (a)(v) is amended as follo:

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, and Victoria-Tasmania-South Australia, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

21. In Rule 38(dd), the sub-rule is amended to append "-South Australia" to the word "Tasmania" so that the sub-rule reads:

(dd) In the Victoria-Tasmania-South Australia Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that

zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

22. In Rule 40(2)(v)(a), the sub-rule is amended so that it reads:

(2)

(v)(a) The members of the Divisional Branch Council of the Victoria-Tasmania-South Australia Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Tasmania Sub-Branch Management Committee referred to in Rule 42B and the members of the South Australia Sub-Branch Management Committee referred to in Rule 42C and Zone Delegates elected in accordance with the following:

23. In Rule 40(2)(vi), the sub-rule is deleted, and reads as follows:

(vi) Deleted.

24. In Rule 42, sub-rule (a)(v) is amended append the words "-South Australia" to the word "Tasmania", so that the sub-rule reads:

(v) The members of the Divisional Branch Management Committee of the Victoria-Tasmania-South Australia Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Senior Vice-President (FEDFA), the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(b) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

25. In Rule 42(a)(vi), the sub-rule is deleted, and reads as follows:

(vi) Deleted.

26. In Rule 42A, the heading and sub-rule (i) are amended as follows:

42A – DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA-SOUTH AUSTRALIA)

(i) The Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

27. In Rule 42B, sub-rules (a), (b), (c) and (d) are amended so that "-South Australia" is appended to the word "Tasmania" in each place "Tasmania" appears; so that the sub-rules reads:

42B – TASMANIA SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA-SOUTH AUSTRALIA DIVISIONAL BRANCH)

(a) There shall be a Tasmania Sub-Branch Management Committee of the Victoria-Tasmania-South Australia Divisional Sub-Branch.

(b) The Tasmania Sub-Branch Management Committee of the Victoria-Tasmania-South Australia Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania-South Australia Divisional Branch who are residing or employed in the State of Tasmania.

(c) The Victoria-Tasmania-South Australia Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania-South Australia Divisional Branch.

(d) Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only.

27A. New Rule 42C is inserted as follows:

42C – SOUTH AUSTRALIA SUB-BRANCH MANAGEMENT COMMITTEE

(a) On and from 2 January 2025 or the declaration of the divisional branch elections scheduled for 2024, whichever is the later, there shall be a South Australia Sub-Branch Management Committee of the Victoria-Tasmania-South Australia Divisional Branch.

(b) Members of the South Australia Sub-Branch Management Committee of the Victoria-Tasmania-South Australia Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania-South Australia Divisional Branch who are residing or employed in the State of South Australia.

(c) The Victoria-Tasmania-South Australia Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania-South Australia Divisional Branch.

(d) The South Australia Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only.

(e) The Secretary of the South Australia Sub-Branch Management Committee shall have such duties and powers as are determined by the Victoria-Tasmania-South Australia Divisional Branch Management Committee from time to time, along with any duties delegated under Rule 46(l).

28. In rule 43(b), sub-rule (ii) is amended to append "-South Australia" to the word "Tasmania" so that the sub-rule reads:

(ii) In the New South Wales Divisional Branch and the Victoria-Tasmania-South Australia Divisional Branch, the Divisional Branch President shall be employed in a full-time capacity.

29. In rule 44, sub-rule (i) is deleted, so that the sub-rule reads:

(i) [Deleted].

30. In rule 44, sub-rule (ii) is deleted, so that the sub-rule reads:

(ii) [Deleted].

31. In rule 44, sub-rule (iii) and (iv) are amended to append "-South Australia" to the word "Tasmania" in each place in which it appears so that the rules read:

(iii) In Victoria-Tasmania-South Australia the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

(iv) In Victoria-Tasmania-South Australia the Divisional Branch Vice-President (FEDFA) shall, in addition to any other duties and responsibilities as may be determined from time to time by Divisional Branch Council or the Divisional Branch Management Committee and which may be applicable to the Divisional Branch Vice-Presidents generally, carry out such other functions, and exercise such other powers, in relation to the FEDFA Section of the Branch (where the Divisional Branch Council has created any such Section), as may be determined by the Divisional Branch Council or Divisional Branch Management Committee from time to time.

32. In rule 45, sub-rule (a) is amended to delete the words "Except in the case of the South Australia Divisional Branch the" and insert in their place "The"; and sub-rule (b) is deleted, so that rule 45 reads:

(a) The Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is

nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) Deleted.

33. In rule 46, new sub-rule (l) is inserted as follows:

(l) The Divisional Branch Secretary of the Victoria-Tasmania-South Australia Divisional Branch shall have the power to delegate to the Secretary of the South Australia Sub-Branch Management Committee, some or all of the duties of the Divisional Branch Secretary in connection with, and only in connection with, members of the Victoria-Tasmania-South Australia Divisional Branch residing or working in South Australia. A delegation under this sub-rule may be revoked by the Divisional Branch Secretary of the Victoria-Tasmania-South Australia Divisional Branch at any time.

34. In rule 48A, sub-rule (a) is deleted, so that the sub-rule reads:

(a) [Deleted].

35. In rule 48B, the heading is amended to append "-SOUTH AUSTRALIA" to the word "TASMANIA" and in sub-rule 1 "-South Australia" is appended to the word "Tasmania" so that the heading and sub-rule 1 read as follows:

48B – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (FEDFA) (VICTORIA-TASMANIA-SOUTH AUSTRALIA)

(1) This rule applies only in relation to the Victoria-Tasmania-South Australia Divisional Branch.

36. In rule 48C, sub-rule (1) is amended to append "-South Australia" to the word "Tasmania" so that the sub-rule reads:

(1) This rule applies only in relation to the Victoria-Tasmania-South Australia Divisional Branch.

37. In rule 69, sub-rule (ii), "-South Australia" is appended to the word "Tasmania" in the sub-heading and in sub-rule (ii)(a), so that the heading and subrule (ii)(a) read:

(ii) Victoria-Tasmania-South Australia - Divisional Branch Meetings

(a) Victoria-Tasmania-South Australia Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 540 Elizabeth Street, Melbourne, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

38. In rule 69 sub-rule (iii), the sub-heading is amended so that "Divisional Branch" is deleted and replaced with "Sub-Branch". Sub-rules (iii)(a), (b), (c), (d), (e), (f) are amended so that "Divisional Branch" is replaced with "Sub-Branch" in each place in which it appears. Sub-rule (g) is deleted and replaced with "The Victoria-Tasmania-South Australia Divisional Branch Management Committee shall have regard to decisions of the Sub-Branch meetings of members".

(iii) South Australia - Sub-Branch Meetings

(a) Sub-Branch meetings shall be held on the last Wednesday of each month or as the Sub-Branch Management Committee may from time to time determine. Meetings shall be held at 1/32 South Terrace, Adelaide, SA or at such places as may be decided by the Sub-Branch Management Committee.

(b) The Sub-Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Sub-Branch President and Sub-Branch Secretary shall convene a special general meeting of the Sub-Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Sub-Branch, not including members of the Sub-Branch Management Committee, shall constitute a quorum for any meeting of the Sub-Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Sub-Branch meetings or of any special meeting of the Sub-Branch shall be given in the Sub-Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Sub-Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Sub-Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Victoria-Tasmania-South Australia Divisional Branch Management Committee shall have regard to decisions of the Sub-Branch meetings of members.

END OF RULES

105N-BWIU: Incorporates alterations of 8 April 2024 [R2023/140]
(replaces rulebook dated 7 March 2023 [R2022/140])

I CERTIFY under section 161 of the Fair Work (Registered

Organisations) Act 2009 that the pages herein numbered

1 to 83 both inclusive contain a true and correct copy of

the registered rules of the Construction, Forestry and Maritime Employees

Union, Construction and General

Division and Construction and General Divisional Branches

GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 – NAME

The name of the Division shall be "the Construction and General Division".

2 – ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B), (D), (DA) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 – DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

“commencement day” means the date provided by rule 69(iB)(c)

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"QBLDB" means the Queensland Builders Labourers Divisional Branch.

"QNTDB" means the Queensland Northern Territory Divisional Branch.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 – MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) [Deleted]

(vi) [Deleted]

(vii) [Deleted]

Note: On and from 25 January 2025, or the declaration of the Divisional Branch elections scheduled to be held in 2024, whichever is the later, this rule is affected by operation of Schedule 1.

(viii) [Deleted]

(ix) [Deleted].

5 – ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 – CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2020 or any award of the Fair Work Commission or any successor Commonwealth Tribunal replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall, subject to any deferral under Rule 32(j) herein, be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 – SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 – SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a

Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

Provided that if at any time there is no longer an office of Divisional Branch Assistant Secretary (Plasterer) in the Australian Capital Territory Divisional Branch, either of the following as determined by the ACT Branch Committee of Management at least three (3) months prior to the opening of nominations as prescribed by r.38 of these Rules, shall be a delegate to Divisional Conference:

- the Divisional Branch Assistant Secretary; or
- a delegate to be elected at the divisional branch elections as prescribed by r.38 of these rules.

For the avoidance of doubt, on and from the date of certification of this sub-rule, any casual vacancy occurring in the relevant National Conference Delegate position as a result of death, resignation, retirement, dismissal or for any other reason shall be filled either ex officio or via an election under Divisional Rule 38(cc) at the discretion of the ACT Branch Committee of Management.

Note: This sub-rule is affected by the operation of Schedule 1.

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA), for the Divisional Branch elections scheduled for 2024 and onwards, Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first one (1) thousand members or part thereof and one delegate for each succeeding one (1) thousand members or part thereof.

In addition, each Divisional Branch shall be entitled to elect one (1) additional delegate who must be a woman.

Note: This sub-rule is affected by the operation of Schedule 1.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

Note: This sub-rule is affected by the operation of Schedule 1.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate's proxy.

(viA) There shall be a Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first three of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

Note: This sub-rule is affected by the operation of Schedule 1.

(viiA) [Deleted]

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall

notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional

Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less than 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 – DIVISIONAL EXECUTIVE

1.A For the purpose of the quadrennial Divisional elections to be held in 2013 and thereafter, the Divisional Executive shall be composed of one (1) Divisional President, one (1) Divisional Senior Vice President, one (1) Divisional Vice President, one (1) Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Provided that where a Divisional Branch Secretary also holds the office of Divisional Secretary, the position he or she otherwise would have held on the Divisional Executive as Divisional Branch Secretary shall be held by a Divisional Branch Assistant Secretary from that Divisional Branch.

Further, provided that in addition to the Divisional Executive members referred to in the immediately preceding paragraph, there shall be an additional Divisional Executive member for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch. For the purpose of this sub-rule the number of financial members shall be the number of such members as at 31 March in the year of the election. Such additional Divisional Executive members shall, notwithstanding sub-rule 2 herein, be nominated and elected by and from the Divisional Conference delegates from the relevant Divisional Branches to which those offices relate, such election to be conducted at the same time as the election of the Divisional Executive members referred to in the preceding paragraph.

Further provided that immediately following the declaration of the result of the election/ballot in accordance with sub-rules 7 or 11 herein, as the case may be, the Divisional Returning Officer shall call for nominations from the newly elected Divisional Executive members, other than the Divisional President, Divisional Senior Vice President, Divisional Secretary and Divisional Assistant Secretaries, for the office of Divisional Vice-President, and if necessary, conduct a ballot to determine that position.

Note: This sub-rule is affected by the operation of Schedule 1.

2. Except for the filling of extraordinary vacancies and the office of Divisional Vice-President, the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. [Deleted]

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

4A. In addition, the Divisional Returning Officer shall have the conduct of the election of two (2) members of the National Women's Committee in accordance with rule 13B of the National Rules of the Union and according to the process set out in sub-rules (5)-(12) below.

The two (2) National Women's Committee member positions must be held by women and shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter, and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

To be clear, the two (2) National Women's Committee members are not members of the Divisional Executive.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. -The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1A hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

The ballot for the two (2) members of the National Women's Committee shall be dealt with and completed.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer, and the Divisional Secretary may concurrently hold a full-time office in a Divisional Branch.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in a year in which an election is required in accordance with these rules or until the Sunday immediately following the declaration of their successor's election at Divisional Conference (whichever is later).

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates t Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

(c) For the avoidance of doubt, on and from the date of certification of this sub-rule 14(c), the provisions of this sub-rule 14 shall apply to the filling of any casual vacancy occurring in the office of Senior Vice-President as a result of death, resignation, retirement, dismissal or for any other reason.

(d) For the avoidance of doubt, on and from the date of certification of this sub-rule 14(d), the provisions of this sub-rule 14 shall apply to the filling of any casual vacancy occurring in the National Women's Committee positions as a result of death, resignation, retirement, dismissal or for any other reason.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless –

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

Note: This sub-rule is affected by the operation of Schedule 1.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Secretary or Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Secretary or Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-President and Divisional Vice-President) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 – REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 – REMOVAL OF OFFICERS

(a) (i) Any person elected to an office in the Division or a Divisional Branch may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An elected officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any elected Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph (i) herein, the Divisional Executive may take any, some or all of steps 1 – 5 below:

1. Determine that no further action be taken;

2. Determine that a person or persons be delegated to investigate the charge and provide a report to the Divisional Executive on matters in relation to the charge and any recommendations for dealing with the charge;

3. Determine that the charge not be dealt with pending the receipt of a report requested by the Divisional Executive under this rule;

4. Determine that an elected officer charged under this rule be directed not to carry out some or all of the duties attaching to their office pending the hearing or other consideration of any charge against that elected officer;

5. Resolve policies as to procedure and matters that may be observed prior to and during a meeting of the Divisional Executive to consider whether or not any elected Divisional or Divisional Branch Officer is to be removed from office, provided that:

   A. Notice of the charge or allegation is to be given sufficient to enable a reply by the elected officer charged;

   B. The elected officer charged may provide a reply to the charge, which may include submissions and evidence;

   C. The Divisional Executive may determine that such reply shall be provided at or by a time determined by the Divisional Executive:
      i. in person; and/or
      ii. in writing; and/or
      iii. by other electronic means; and/or
      iv. by a representative of the elected officer charged;

D. Should the Divisional Executive determine that a hearing should be held:

i. such hearing may in whole or in part take place using electronic means in more than one place;
ii. the Divisional Executive may determine that the elected officer charged, a member who has laid the relevant charge, or any other participant may be represented by another person at the hearing;
iii. the elected officer charged is to be provided at least 7 days' notice of such hearing;
iv. should the elected officer charged fail to appear at the hearing and fail to provide a satisfactory explanation for their non-attendance, the Divisional Executive may proceed with the hearing of in their absence provided it is first satisfied that notice of the hearing in accordance with this rule has been served on the elected officer;

E. Notwithstanding rule 49(e) of these rules, the Divisional Executive may:

i. direct the elected officer charged to attend an independent medical examination to determine the officer's fitness to face charges and/or perform the duties of their office;
ii. consider any report of the independent medical examiner or other evidence and determine whether or not to hold or proceed with a meeting or hearing under this rule to consider whether or not the elected officer charged is to be removed from office.

(b) Should any elected officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any elected officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such elected officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

(e) "Office" under this rule has the same meaning as provided in the *Fair Work (Registered Organisations) Act 2009*.

12 – VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 – DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each financial year. Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

The Divisional Secretary may concurrently hold a full-time office in a Divisional Branch.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may,

prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 – FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 – AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each financial year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 – ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 – RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 – DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch.

Note: This sub-rule is affected by the operation of Schedule 1.

(c) In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) [Deleted]

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 – DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties

conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 – EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be executed by the Divisional Secretary or such other Divisional Officer as authorised by the Divisional Executive.

21 – SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 – DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 – PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 – RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 – LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 – VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 – STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 – NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

Note: This sub-rule is affected by the operation of Schedule 1.

(c) In Queensland in accordance with Rule 18 of these rules.

29 – ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Northern Territory Divisional Branch.

Note: This sub-rule is affected by the operation of Schedule 1.

30 – MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

Note: This sub-rule is affected by the operation of Schedule 1.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependent upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

Note: This sub-rule is affected by the operation of Schedule 1.

(iv) Queensland Northern Territory Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Northern Territory Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) [Deleted]

31 – ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 – CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Subject to sub-rule (cA), notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

(cA)

(i) This rule applies to members attached to the QNTDB, the WA Divisional Branch, the NSW Divisional Branch and the SA Divisional Branch and applies notwithstanding the provisions of sub-rule (c).

(ii) Notwithstanding anything elsewhere in the rules, a member of the QNTDB, WA Divisional Branch, NSW Divisional Branch or the SA Divisional Branch who:

(a) has paid the entrance fee;

(b) commenced on, and makes payment in accordance with, a Scheme, and

(c) either:

(A) has made payment of all Membership Contributions immediately prior to commencing on a Scheme; or

(B) has authorised the deduction of an amount that will result in the payment of all Membership Contributions within six (6) months of commencing on a Scheme or with such longer period as the Divisional Branch Secretary permits,

will be a financial member and will be entitled to all the benefits of membership including the right to vote.

(iii) A member making payment of their Membership Contributions in accordance with:

(a) a payroll deduction scheme will be unfinancial if in arrears for a period of three (3) months after the last payment under the payroll deduction scheme was received; or

(b) a direct debit scheme will be unfinancial if in arrears of two (2) Periodic Payments.

(iv) For the purposes of this rule:

(a) 'Direct Debit Scheme' means a scheme where a member provides written authority for contributions payable to the QNTDB, WA, NSW or the SA Divisional Branch to be deducted, on such regular basis as the respective Divisional Branch Secretary agrees, from the member's financial institution, similar debit account or credit card;

(b) 'Membership Contribution' means entrance fees, subscriptions and levies in accordance with these Divisional Rules;

(c) 'Payroll Deduction Scheme' means a scheme where a member provides written authority to their employer for contributions payable to the QNTDB, WA, NSW or the SA Divisional Branch to be deducted, on such regular basis as the respective Divisional Branch Secretary agrees, from the member's salary;

(d) 'Periodic Payment' means a payment required to be made by a member of the QNTDB , WA, NSW or the SA Divisional Branch at the frequency authorised in their written authority; and

(e) 'Scheme' means a Payroll Deduction Scheme or a Direct Debit Scheme.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (cA), (i) and (j) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

(j) A Divisional Branch Management Committee may, in its discretion and for any reason it considers appropriate, defer for a maximum period of three months the date by which payment of contributions shall be due and payable under sub-clause (b) of this Rule. Any member whose contributions have been deferred will remain a financial member as provided for in Rule 6 for the duration of the deferral, save that the member will not be eligible to nominate for or hold office within the Union for the duration of the deferral. A Divisional Branch Management Committee may only defer the payment of contributions of a member who has paid membership contributions in full in each six-monthly period in which such contributions fell due and payable for at least the previous three years.

Any period covered by a deferral shall count for all purposes as continuous financial membership.

The Divisional Branch Management Committee may defer the payment of contributions either before or after they fall due and payable in accordance with sub-clause (b) of this Rule. If a payment of contributions is deferred after it falls due and payable, the period of the deferral must commence on the date that the contributions fell due and payable and at which the member would, but for the deferral, have become unfinancial. The Divisional Branch Management Committee may not decide to defer the payment of contributions more than three months after the contributions fell due and payable.

33 – COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 – AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

Note: This sub-rule is affected by the operation of Schedule 1.

34A – LIFE MEMBERSHIP

(a) A member may apply for life membership, which will be granted at the discretion of the relevant Divisional Branch Management Committee.

(b) Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(c) Life membership which has been validly conferred prior to the date of this rule change, including life or honorary membership conferred by a union that subsequently amalgamated into the CFMEU, shall be recognised.

35 – FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there may be established funds to be known as the Benefit Fund and Contingent Fund, which are to be used exclusively for the purpose set out in the rule covering these funds and not used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.

All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of a Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of a Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 – AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every financial year to and including the last day of December of each financial year. Such auditor shall also produce and certify a yearly balance sheet. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 – OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In the QNTDB the officers of the Divisional Branch shall consist of the Divisional Branch President, two (2) Divisional Branch Senior Vice-Presidents (which positions shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch

Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and two Divisional Branch Executive Members.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary, Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

Provided however that on and from the date of certification of this amendment there shall be only one (1) Divisional Branch Assistant Secretary in the Western Australian Divisional Branch.

(v) (a) [Deleted]

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President, (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

Note: This sub-rule is affected by the operation of Schedule 1.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

Note: This sub-rule is affected by the operation of Schedule 1.

37A – EXECUTION OF DOCUMENTS

Industrial agreements affecting the employment of members of a single Divisional Branch, or persons within the geographic area and occupational categories within the State or Territory for which a single Divisional Branch is responsible, and any other instruments concerning the affairs of a single Divisional Branch, shall be executed by the Divisional Branch Secretary, or such other Divisional Branch Officer as authorised by the Divisional Branch Executive.

38 – DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(iA) In relation to the South Australian Divisional Branch only, subrules (a)(i)(B) and (C) and the scale in sub-rule (a)(vi) will not apply to the filling of any casual vacancy that exists at the time of this rule change, or to any casual vacancy that may arise prior to nominations being called for the Divisional Branch election to be held in 2024.

For the avoidance of doubt, a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, and will be filled in accordance with r38(cc).

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

Note: This sub-rule is affected by the operation of Schedule 1.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary Divisional Branch Secretary/Treasurer Divisional Branch Assistant Secretary Divisional Branch President Divisional Branch Senior Vice-President and Vice President Divisional Branch Delegate to Divisional Conference	3 years' continuous financial membership
Divisional Branch Management Committee Member District Secretary/Organiser Organiser Sub-Branch Secretary, President, Or Management Committee Member Divisional Branch Trustee (South Australia and Queensland Builders Labourers' Divisional Branches)	1 year's continuous financial membership
Divisional Branch Councillor, representatives	financial membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election. In the event that a delay in the conduct of an election means that the results for an office are not declared until after 2 January, the successful candidate(s) shall take up office on the Monday immediately following the declaration of their election. In circumstances where the results for an office are declared after 2 January, the term of the candidate will be reduced by the length of the delay to ensure that there is no disruption to the next scheduled Divisional Branch election under these rules.

(b)(i) In the event that there is a delay of the kind described in rule 38(b), the incumbent will hold over office beyond 2 January and until their successor takes up office on the Monday immediately following the declaration of their election. Any action taken by the incumbent while holding over

office shall not be invalidated merely because they have been held over in the position in accordance with these rules.

(c) Nominations for the above positions shall be called by the Returning Officer by notification in the union journal and the Divisional and relevant Divisional Branch website. Where a Divisional Branch printed journal is not scheduled for publication within two weeks of the opening of nominations then the website notification shall suffice. Alternatively, notice may be given to members by publication in one daily newspaper circulating in the Divisional Branch area on or before the last day of August in the year of the election.

Provided that such notifications shall clearly indicate that the Divisional Executive members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations must be lodged with the Returning Officer before the close of nominations at the address and by the methods specified on the notice of election. Nomination forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Returning Officer to fill any vacancy or vacancies the Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the

number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within one day of the closing of nominations, a certified list of financial members entitled to vote to the Returning Officer.

(n) The Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Returning Officer shall post to each member eligible to vote by pre-paid post all ballot papers. The ballot papers shall be posted to ensure eligible members receive them not less than 14 days before the closing of the ballot.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Returning Officer shall collect the returned ballot papers and keep them securely under their custody until the commencement of the count.

(s) The Returning Officer shall advise scrutineer/s of a secure space and location where the count shall occur. If the AEC is conducting the election, the counting of the ballot shall take place on AEC

premises. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.

(u) (i) The Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post.

The Returning Officer's report to the Divisional Executive shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot, or otherwise in accordance with rule 38(b), and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot.

They shall obey any directions given to them by the Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

Note: This sub-rule is affected by the operation of Schedule 1.

39 – PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 – SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Northern Territory Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone: 22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.

Northumberland Zone: 3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.

Camden Zone: 3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.

Country Zone: 3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

The counties referred to in this sub-rule are as defined in accordance with the NSW lands administrative divisions.

(ii) (A) The Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) two (2) Divisional Branch Senior Vice-Presidents;
(iii) two (2) Divisional Branch Vice-Presidents;
(iv) the Divisional Branch Secretary;
(v) the Divisional Branch Assistant Secretaries;
(vi) two (2) Divisional Branch Executive Members;
(vii) on and from the Divisional Branch elections scheduled for 2024, one (1) member on the Divisional Branch Council who shall be a woman;
(viii) 12 members on the Divisional Branch Council who shall be elected by and from the three sub-groups as follows:

(a) eight (8) Divisional Branch Council members who shall be elected by, and from, the members who reside in South East Queensland;

(b) three (3) Divisional Branch Council Members who shall be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) one (1) Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory, subject to the:

1. number of Divisional Branch Council member/s elected:

a. under paragraph (viii)(a) being reduced by one (1) if the Divisional Branch President resides in South East Queensland;

b. under paragraph (viii)(b) being reduced by one (1) if the Divisional Branch President resides in Regional Queensland;

c. under paragraph (viii)(c) being reduced by one (1) if the Divisional Branch President resides in the Northern Territory;

2. number of Divisional Branch Council member/s elected:

   a. under paragraph (viii)(a) being reduced by one (1) or more if one (1) or more of the Divisional Branch Senior Vice Presidents resides in South East Queensland;

   b. under paragraph (viii)(b) being reduced by one (1) or more if one (1) or more of the Divisional Branch Senior Vice Presidents resides in Regional Queensland; and/or

   c. under paragraph (viii)(c) being reduced by one (1) if a Divisional Branch Senior Vice President resides in the Northern Territory;

3. number of Divisional Branch Council member/s elected:

   a. under paragraph (viii)(a) being reduced by one (1) or more if one (1) or more of the Divisional Branch Executive Members resides in South East Queensland;

   b. under paragraph (viii)(b) being reduced by one (1) or more if one (1) or more of the Divisional Branch Executive Members resides in Regional Queensland; and/or

   c. under paragraph (viii)(c) being reduced by one (1) or more if a Divisional Branch Executive Member resides in the Northern Territory;

(B) The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, the Divisional Branch President, the Divisional Branch Senior Vice-Presidents and the Divisional Branch Council member elected under paragraph (vii) above shall, subject to this sub-rule, be elected by and from Members of the QNTDB, who are eligible to nominate and vote in accordance with these Rules.

(C) The Divisional Branch Council may, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine whether the office of Divisional Branch President is to be held on an honorary or full-time basis following the quadrennial election.

(D) The Divisional Branch Senior Vice Presidents and the Divisional Branch Executive Members shall, subject to this sub-rule, be elected by and from members of the QNTDB, who are eligible to nominate and vote in accordance with these rules.

(E) The Divisional Branch Assistant Secretary (Painters) (if any) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, the members of the QNTDB, who are eligible for membership under National Rule 2(A)(b) and entitled to vote.

(F) The Divisional Branch Assistant Secretary (Plasterers) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, the members of the QNTDB, who are eligible for membership under National Rule 2(A)(a)(ii) and entitled to vote.

(G) The Divisional Branch Assistant Secretaries (General) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, all members of the QNTDB, who are entitled to vote.

(H) The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

(I) The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

(J) The Divisional Branch Council will, at its first meeting held following a quadrennial election, elect from its members two (2) Divisional Branch Vice-Presidents and:

(i) the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9; and

(ii) Divisional Branch Vice-Presidents will not, apart from holding the office of Divisional Branch Council Member, hold any other office in the QNTDB.

(K) Despite sub-rule (I):

(i) the Divisional Branch Council may determine that a full time office of Divisional Branch Assistant Secretary will, with the consent of the incumbent in that office, revert to an honorary office; and

(ii) where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Executive may, prior to filling the vacancy pursuant to these Rules, resolve whether the office will be abolished or whether it is to be filled on an honorary or full-time basis.

(L) Despite sub-rule (C):

(i) the Divisional Branch Council may determine that a full time office of Divisional Branch President will, with the consent of the incumbent in that office, revert to an honorary office; and

(ii) where a casual vacancy arises in an office of Divisional Branch President, the Divisional Branch Executive may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(M) For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council;

(s) Torres Strait & Torres Strait Regional Council;

(t) Shire of Mareeba; and

(u) Shire of Douglas.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Noosa;

(h) Redland;

(i) Scenic Rim;

(j) Somerset; and

(k) Sunshine Coast.

(iii) For the Divisional Branch elections scheduled for 2024 and onwards, in the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch.

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) For the Divisional Branch elections scheduled for 2024 and onwards, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(ii) herein and one Zone Delegate for each of the zones identified in (b) below.

Note: This sub-rule is affected by the operation of Schedule 1.

(b) The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Note: This sub-rule is affected by the operation of Schedule 1.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Returning Officer and a Deputy Returning Officer, who shall act in the absence of the Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Returning Officer shall hold office until a successor thereto is duly appointed. The Returning Officer shall have absolute control of any election or appointment.

(ii) The Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 – MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.
Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 – DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) (A) In the QNTDB there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. two (2) Divisional Branch Senior Vice-Presidents;

C. two (2) Divisional Branch Vice-Presidents;

D. Divisional Branch Secretary;

E. Divisional Branch Assistant Secretaries; and

F. two (2) Divisional Branch Executive Members.

(B) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Northern Territory Divisional Branch be taken so far as the context allows to be a reference to the Queensland Northern Territory Divisional Branch Executive established in accordance with this sub-rule.

(iii) For the Divisional Branch elections scheduled for 2024 and onwards, in the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary, eleven (11) other members and one (1) additional member who must be a woman.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) The members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(ii) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

Note: This sub-rule is affected by the operation of Schedule 1.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

Note: This sub-rule is affected by the operation of Schedule 1.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office (or otherwise in accordance with rule 38(b)). Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A – DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

Note: This heading is affected by the operation of Schedule 1.

(i) The Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

Note: This sub-rule is affected by the operation of Schedule 1.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B – DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

Note: This heading is affected by the operation of Schedule 1.

(a) There shall be a Tasmania Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch.

(b) The members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(c) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch.

(d) Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only.

Note: This rule is affected by the operation of Schedule 1.

Note: Schedule 1 contains a new rule 42C which has effect in accordance with Schedule 1.

43 – DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In the New South Wales Divisional Branch and the Victoria-Tasmania Divisional Branch, the Divisional Branch President shall be employed in a full-time capacity.

Note: This sub-rule is affected by the operation of Schedule 1.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the

Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 – DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, the Queensland and Northern Territory Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

Note: This sub-rule is affected by the operation of Schedule 1.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

Note: This sub-rule is affected by the operation of Schedule 1.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

Note: This sub-rule is affected by the operation of Schedule 1.

45 – DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant

Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

Note: This sub-rule is affected by the operation of Schedule 1.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter (or in the event of a delay in the conduct of an election, in accordance with rule 38(b)). In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the Divisional Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the Divisional Branch Assistant Secretary.

The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

Note: This sub-rule is affected by the operation of Schedule 1.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 – DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Branch Office, together with a

statement of the assets and liabilities of the Divisional Branch Office for the financial year ending 31st December. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

Note: Schedule 1 contains a new rule 46(l) which has effect in accordance with Schedule 1.

47 – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 – (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules. Rule 11 does not apply to Organisers.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A – DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

Note: This sub-rule is affected by the operation of Schedule 1.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

48B – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (VICTORIA-TASMANIA)

Note: This heading is affected by the operation of Schedule 1.

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

Note: This sub-rule is affected by the operation of Schedule 1.

(2) The Divisional Branch Senior Vice-President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President shall carry out such other functions, and exercise such other powers as may be determined by the Divisional Branch Council from time to time.

(5) The Divisional Branch Senior Vice President shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President shall be an ex-officio member of all Committees of the Divisional Branch.

48C - DELETED

48D – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E – DELETED

48F – DIVISIONAL BRANCH SENIOR VICE-PRESIDENTS/DIVISIONAL BRANCH VICE-PRESIDENTS (QUEENSLAND)

(i) This rule applies only in relation to the QNTDB and notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers.

(ii) In the QNTDB there shall be two Divisional Branch Senior Vice-Presidents one of whom shall, in the absence of the Divisional Branch President, preside at meetings of, or convened by, the Divisional Branch Council or Divisional Branch Executive. The Divisional Branch Executive will determine, for the purposes of this sub-rule, which of the Divisional Senior Vice-Presidents is to so act.

(iii) The Divisional Branch Senior Vice-Presidents in the QNTDB shall have such other duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

(iv) The Divisional Branch Vice-Presidents in the QNTDB shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

49 – FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any elected full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 – DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 – REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the

Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 – DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 – MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 – PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 – APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 – DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 – SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 – VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 – ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 – TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 – FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 – CONTINGENT FUND

If the Divisional Branch establishes a Contingent Fund, it may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 – RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 – STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 – INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – DELETED

67 – DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 – REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 – SPECIAL RULES

(iA) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elect to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(iB) (a) The purpose of this rule is to provide for:

(i) the merger of the QNTDB with the QBLDB to constitute on commencement day, the QNTDB; and

(ii) the conduct of the first election for the offices of the QNTDB in the year 2016 ("the 2016 elections").

(b) This rule shall apply notwithstanding any other provision of these Divisional Rules.

(c) The provisions of this rule provide for the merger and shall take effect on, and from, either the 3rd January 2014 or the day after the General Manager of the Fair Work Commission certifies them, whichever is the later ("the commencement day").

(d) The QNTDB, and the members attached to it, shall comply with the provisions of this rule severally.

(e) On, and from, the commencement day, the QNTDB and the QBLDB shall be merged to form the Queensland-Northern Territory Divisional Branch.

(g) On commencement day the financial members of the QNTDB shall, despite rule 40(2)(ii)(C), be represented in the offices set out in column B by the persons holding the office set out in column A on the day immediately preceding the commencement day in respectively the QNTDB or the QBLDB:

A	B
Divisional Branch Secretary - QBLDB	Divisional Branch President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch President - QBLDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Assistant Secretary - QBLDB	Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Vice President - QBLDB	Divisional Branch Vice President and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Trustees - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Treasurer - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Guardian - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Executive Members - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch President - QNTDB	Divisional Branch Senior Vice President Divisional Branch Council Member and

	Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Vice-President - QNTDB	Divisional Branch Vice President (Construction Workers Divisional Branch) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Secretary - QNTDB	Divisional Branch Secretary Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Plasterers) - QNTDB	Divisional Branch Assistant Secretary (Plasterers) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Painters) - QNTDB	Divisional Branch Assistant Secretary (Painters) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (General) - QNTDB	Divisional Branch Assistant Secretary (General) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Executive Member - QNTDB	Divisional Branch Executive Member and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (South East Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Regional Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Northern Territory) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch

and such persons as referred to in Column A herein shall, subject to these Divisional Rules, continue to hold the office in the merged Divisional Branch as described in Column B herein, until their successor takes office following the 2016 elections.

(h) The officers of the Divisional Branch Council of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Management Committee, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(i) The officers of the Divisional Branch Executive of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Executive, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive and who are by operation of these rules, members of the QNTDB Divisional Branch Executive on and from commencement day, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting.

(j) A member of the QNTDB, who becomes a member on, or following, the commencement day is liable to pay subscriptions and fees in accordance with these Divisional Rules.

(k) There shall be an inaugural meeting of the Divisional Branch Council of the QNTDB to be held within two (2) months of the commencement day.

(l) There shall be an inaugural meeting of the Divisional Branch Executive of the QNTDB to be held within one (1) month of the commencement day.

(m) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QBLDB contiguous with periods of financial membership with the QNTDB.

(n) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QCWDB contiguous with periods of financial membership with the QNTDB.

(o) At meetings of the Divisional Branch Council and Divisional Branch Executive of the QNTDB, quorum shall be as provided by rules 41(a) and 42(b) respectively provided however that for the purposes of quorum at least one (1) member must be a person who was a member of the QBLDB on the day immediately preceding amalgamation day and at least one (1) member must be a person who was a member of the QNTDB on the day immediately preceding amalgamation day.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 540 Elizabeth Street, Melbourne, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

Note: This sub-rule is affected by the operation of Schedule 1.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at 1/32 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

Note: This sub-rule is affected by the operation of Schedule 1.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

Schedule 1 – Temporary Amalgamation of Victoria-Tasmania and South Australia Divisional Branches (2025 – 2029)

Operation of Scheme

1. This Schedule provide for the amalgamation of the Victoria-Tasmania Divisional Branch and the South Australia Divisional Branch.

2. The rules in this Schedule operate on and from 2 January 2025 or the declaration of the divisional elections scheduled to be held in 2024, whichever is later.

3. However, for the purpose of the Divisional Branch election scheduled for 2024, the offices to be elected are those prescribed by Rule 8 (Divisional Conference Delegates) and Rules 37, 38, 40, 42B and 42C (for officers of the Victoria-Tasmania-South Australia Divisional Branch) as amended by this Schedule;

4. To avoid doubt, for the purpose of the Divisional Branch election scheduled for 2024, the persons holding office as at the date the rule changes are certified by the Fair Work Commission, including offices that are abolished as a result of these rule changes, will continue to hold those offices until 2 January 2025 or the declaration of the Divisional Branch elections in 2024, whichever is the later.

Amended Rules

5. In Rule 4, insert new sub-rule (viiA) as follows:

> (vii) Any person who, at the date this sub-rule takes effect, is a member of the Victoria-Tasmania Divisional Branch or the South Australia Branch shall be and become a member of the Victoria-Tasmania-South Australia Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Victoria-Tasmania Branch or the South Australia Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania-South Australian Divisional Branch. The period of membership of the Victoria-Tasmania-South Australia Divisional Branch is, for each person who becomes a member of the Victoria-Tasmania-South Australia Divisional Branch under this subrule, the same as that held by such members within the Victoria-Tasmania Divisional Branch of South Australia Divisional Branch, as the case may be.

6. In Rule 8(ii), in the fifth paragraph down, the words "The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference." are deleted and replaced as follows:

> On and from 25 January 2025, or the declaration of the Divisional Branch elections scheduled to be held in 2024, whichever is the later, the South Australia Sub-Branch Secretary and the South Australia Sub-Branch President shall, by virtue of the holding of such office, be a member of the Divisional Conference.

7. In Rule 8(iii), the existing sub-rule is retained and the following new paragraph is added immediately after the existing words:

> In the case of the Victoria-Tasmania-South Australia Branch, the calculation will be performed separately for members who would, but for the amalgamation provided

for in this Schedule 1, be members of the South Australia Branch and members who would, but for the amalgamation provided for in this Schedule 1, be members of the Victoria-Tasmania Branch. The number of delegates that the Victoria-Tasmania-South Australia Branch is entitled to elect will be the combined total of these calculations.

Only members who would, but for the amalgamation provided for in this Schedule 1, be members of the South Australia Branch will be entitled to vote for any delegates to which the Victoria-Tasmania-South Australia Branch is entitled by reason of the calculation performed in respect of members who would, but for the amalgamation provided for in this Schedule 1, be members of the South Australia Branch.

Only members who would, but for the amalgamation provided for in this Schedule 1, be members of the Victoria-Tasmania Branch will be entitled to vote for any delegates to which the Victoria-Tasmania-South Australia Branch is entitled by reason of the calculation performed in respect of members who would, but for the amalgamation provided for in this Schedule 1, be members of the Victoria-Tasmania Branch.

To avoid doubt, the entitlements under this sub-rule are in addition to any entitlement the South Australia Sub-Branch Secretary and/or South Australia Sub-Branch President may have to be a member of the Divisional Conference by operation of 8(ii) above.

8. In Rule 8(iv), the existing sub-rule is retained, and a new paragraph is added after the third paragraph\, so that the sub-rule reads:

(iv) For the purpose of this rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

Notwithstanding anything else in this sub-rule, in the case of the Victoria-Tasmania-South Australia Divisional Branch, the calculation shall be performed in accordance with paragraph 1 of this rule, as though the South Australia Divisional Branch and the Victoria-Tasmania Divisional Branch continued to exist as separate Divisional Branches.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

9. In Rule 8(vii), the words "Victoria-Tasmania Divisional Branch" are replaced with "Victoria-Tasmania-South Australia Divisional Branch" wherever they appear so that the sub-rule reads as follows:

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania-South Australia Divisional Branch the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania-South Australia Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first three of the allocated number of delegates for the Victoria-Tasmania-South Australia Divisional Branch calculated in accordance with sub-rule (iii) hereof.

10. In Rule 9.1A, the existing sub-rule is retained and the following words are added at the end of the first paragraph:

On and from 2 January 2025, or the declaration of the Divisional Branch elections scheduled to be held in 2024, whichever is the later, the South Australia Sub-Branch Secretary shall, by virtue of the holding of such office, be a member of the Divisional Executive.

11. In Rule 9, sub-rule 15(l)(iii), the existing sub-rule is retained and a new section is added so that the rule as amended reads:

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

Provided that, in the case of Victoria-Tasmania-South Australia Divisional Branch, the calculation shall be performed separately for members of the Division who reside or are employed in in South Australia, and members of the Division who reside or are employed in Victoria and Tasmania and:

(A) any additional ordinary votes which the Victoria-Tasmania-South Australia Divisional Branch Secretary is entitled to exercise by reason of the calculation performed in respect of members who reside or are employed in Victoria or Tasmania will be exercised by the Victoria-Tasmania-South Australia Divisional Branch Secretary; and

(B) any additional ordinary votes which the Victoria-Tasmania-South Australia Divisional Branch Secretary is entitled to exercise by reason of the calculation performed in respect of members who reside or are employed in South Australia will be exercised by the South Australia Sub-Branch Secretary who will not, for the purposes of this rule, be entitled to exercise the vote to which he would otherwise be entitled by operation of this rule.

12. In Rule 18, delete sub-rule (b) and replace as follows:

(b)

(i) Subject to rule (iii) below, from 2 January 2025 or the declaration of the divisional elections scheduled to be held in 2024, whichever is later, in Victoria, Tasmania and South Australia, the Divisional branch shall be known as the Construction and General Division, Victoria-Tasmania-South Australia Divisional Branch.

(ii) Further:

(A) In the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania-South Australia Divisional Branch which will be known as the Construction and General Division, Victoria-Tasmania-South Australia Divisional Branch, Tasmania Sub-Branch; and

(B) In the State of South Australia there shall be a sub-branch of the Victoria-Tasmania-South Australia Divisional Branch which will be known as the Construction and General Division, Victoria-Tasmania-South Australia Divisional Branch, South Australia Sub-Branch.

(iii) From 2 January 2029 or the declaration of the divisional elections scheduled to be held in 2028, whichever is the later, the South Australia Divisional Branch shall be re-established as a separate Divisional branch unless the Divisional Executive determines otherwise.

(iv) The Construction and General Divisional Branch Secretary must do all things reasonably necessary to give effect to rule (iii) above including, if necessary, by doing all things reasonably necessary to amend these rules to give effect to the re-establishment of the South Australia Divisional Branch (unless the Divisional Executive has, pursuant to (iii) above, determined otherwise).

13. In Rule 28, sub-rule (b) is amended to delete the ", and", add the words "and South Australia" after the word "Victoria" and append "-South Australia" to the word "Tasmania", so that the sub-rule reads as follows:

(b) In Tasmania, Victoria and South Australia, "The Construction and General Division, Victoria-Tasmania-South Australia Divisional Branch".

14. In Rule 29, insert a new third para as follows:

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria, Tasmania or South Australia shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania-South Australia Divisional Branch.

15. In Rule 30(i)(b), add the following paragraph, after the first paragraph in sub-rule 30(b):

From 2 January 2025 or the declaration of the divisional elections scheduled to be held in 2024, whichever is later, the South Australia Sub-Branch Management Committee may deal with membership applications for prospective members who reside or are employed in the State of South Australia on behalf of the Victoria-Tasmania-South Australia Divisional Branch.

16. In Rule 30, sub-rule (iii) is amended to replace "Victoria-Tasmania" with "Victoria-Tasmania-South Australia" wherever it appears, including in the sub-heading. Sub-rule (iii)(a) is amended to add the words "who resides or works in either the State of Victoria or the State of Tasmania" after the words "each member". The amended sub-rule reads:

(iii) Victoria-Tasmania-South Australia Divisional Branch

(a) The record of members of the Victoria-Tasmania-South Australia Divisional Branch shall classify each member who resides or works in either the State of Victoria or the State of Tasmania into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(xx) fibrous plasterer/fibrous plaster industry worker
(xxi) crane operations
(xxii) rigger/dogman
(xxiii) plant and machine operations
(xxiv) boiler attendant/engine driver
(xxv) production worker (metal)
(xxvi) concrete pump operations
(xxvii) forklift/hoist operations
(xxviii) driller
(xxix) other

which shall be known as the member's designated classification.

(b) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania-South Australia Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania-South Australia Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania-South Australia Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania-South Australia Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania-South Australia Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania-South Australia Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania-South Australia Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania-South Australia Divisional Branch accordingly.

(e) The Victoria-Tasmania-South Australia Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania-South Australia Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania-South Australia Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania-South Australia Divisional Branch where election to such office is dependent upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial

membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

17. [Deleted]

18. In Rule 37(v), sub-rule (b) is deleted and replaced with the following:

(b) On and from 2 January 2025 or the declaration of the divisional branch election in 2024, whichever is later, the officers of the Victoria-Tasmania-South Australia Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Tasmania Sub-Branch Management Committee referred to in Rule 42B herein the members of the Divisional Branch South Australia Sub-Branch Management Committee referred to in Rule 42C herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

19. In Rule 37(vi), the sub-rule is deleted, and reads as follows:

(vi) Deleted.

20. In Rule 38, sub-rule (a)(v) is amended as follows:

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, and Victoria-Tasmania-South Australia, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

21. In Rule 38(dd), the sub-rule is amended to append "-South Australia" to the word "Tasmania" so that the sub-rule reads:

(dd) In the Victoria-Tasmania-South Australia Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

22. In Rule 40(2)(v)(a), the sub-rule is amended so that it reads:

(2)

(v)(a) The members of the Divisional Branch Council of the Victoria-Tasmania-South Australia Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the members of the Tasmania Sub-Branch Management Committee referred to in Rule 42B and the members of the South Australia Sub-Branch Management Committee referred to in Rule 42C and Zone Delegates elected in accordance with the following:

23. In Rule 40(2)(vi), the sub-rule is deleted, and reads as follows:

(vi) Deleted.

24. In Rule 42, sub-rule (a)(v) is amended append the words "-South Australia" to the word "Tasmania", so that the sub-rule reads:

(v) The members of the Divisional Branch Management Committee of the Victoria-Tasmania-South Australia Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(b) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

25. In Rule 42(a)(vi), the sub-rule is deleted, and reads as follows:

(vi) Deleted.

26. In Rule 42A, the heading and sub-rule (i) are amended as follows:

42A – DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA-SOUTH AUSTRALIA)

(i) The Divisional Branch Executive Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

27. In Rule 42B, sub-rules (a), (b), (c) and (d) are amended so that "-South Australia" is appended to the word "Tasmania" in each place "Tasmania" appears; so that the sub-rules reads:

42B – TASMANIA SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA-SOUTH AUSTRALIA DIVISIONAL BRANCH)

(a) There shall be a Tasmania Sub-Branch Management Committee of the Victoria-Tasmania-South Australia Divisional Sub-Branch.

(b) The Tasmania Sub-Branch Management Committee of the Victoria-Tasmania-South Australia Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania-South Australia Divisional Branch who are residing or employed in the State of Tasmania.

(c) The Victoria-Tasmania-South Australia Divisional Branch Council and Divisional Branch Management Committee shall have the care, control

superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania-South Australia Divisional Branch.

(d) Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only.

27A. New Rule 42C is inserted as follows:

42C – SOUTH AUSTRALIA SUB-BRANCH MANAGEMENT COMMITTEE

(a) On and from 2 January 2025 or the declaration of the divisional branch elections scheduled for 2024, whichever is the later, there shall be a South Australia Sub-Branch Management Committee of the Victoria-Tasmania-South Australia Divisional Branch.

(b) Members of the South Australia Sub-Branch Management Committee of the Victoria-Tasmania-South Australia Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania-South Australia Divisional Branch who are residing or employed in the State of South Australia.

(c) The Victoria-Tasmania-South Australia Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania-South Australia Divisional Branch.

(d) The South Australia Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only.

(e) The Secretary of the South Australia Sub-Branch Management Committee shall have such duties and powers as are determined by the Victoria-Tasmania-South Australia Divisional Branch Management Committee from time to time, along with any duties delegated under Rule 46(l).

28. In rule 43(b), sub-rule (ii) is amended to append "-South Australia" to the word "Tasmania" so that the sub-rule reads:

(ii) In the New South Wales Divisional Branch and the Victoria-Tasmania-South Australia Divisional Branch, the Divisional Branch President shall be employed in a full-time capacity.

29. In rule 44, sub-rule (i) is deleted, so that the sub-rule reads:

(i) [Deleted].

30. In rule 44, sub-rule (ii) is deleted, so that the sub-rule reads:

(ii) [Deleted].

31. In rule 44, sub-rule (iii) is amended to append "-South Australia" to the word "Tasmania" in each place in which it appears so that the rules read:

(iii) In Victoria-Tasmania-South Australia the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

32. In rule 45, sub-rule (a) is amended to delete the words "Except in the case of the South Australia Divisional Branch the" and insert in their place "The"; and sub-rule (b) is deleted, so that rule 45 reads:

(a) The Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) Deleted.

33. In rule 46, new sub-rule (l) is inserted as follows:

(l) The Divisional Branch Secretary of the Victoria-Tasmania-South Australia Divisional Branch shall have the power to delegate to the Secretary of the South Australia Sub-Branch Management Committee, some or all of the duties of the Divisional Branch Secretary in connection with, and only in connection with, members of the Victoria-Tasmania-South Australia Divisional Branch residing or working in South Australia. A delegation under this sub-rule may be revoked by the Divisional Branch Secretary of the Victoria-Tasmania-South Australia Divisional Branch at any time.

34. In rule 48A, sub-rule (a) is deleted, so that the sub-rule reads:

(a) [Deleted].

35. In rule 48B, the heading is amended to append "-SOUTH AUSTRALIA" to the word "TASMANIA" and in sub-rule 1 "-South Australia" is appended to the word "Tasmania" so that the heading and sub-rule 1 read as follows:

48B – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (VICTORIA-TASMANIA-SOUTH AUSTRALIA)

(1) This rule applies only in relation to the Victoria-Tasmania-South Australia Divisional Branch.

…

36. In rule 48C, sub-rule (1) is amended to append "-South Australia" to the word "Tasmania" so that the sub-rule reads:

(1) This rule applies only in relation to the Victoria-Tasmania-South Australia Divisional Branch.

37. In rule 69, sub-rule (ii), "-South Australia" is appended to the word "Tasmania" in the sub-heading and in sub-rule (ii)(a), so that the heading and subrule (ii)(a) read:

(ii) Victoria-Tasmania-South Australia - Divisional Branch Meetings

(a) Victoria-Tasmania-South Australia Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 540 Elizabeth Street, Melbourne, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

38. In rule 69 sub-rule (iii), the sub-heading is amended so that "Divisional Branch" is deleted and replaced with "Sub-Branch". Sub-rules (iii)(a), (b), (c), (d), (e), (f) are amended so that "Divisional Branch" is replaced with "Sub-Branch" in each place in which it appears. Sub-rule (g) is deleted and replaced with "The Victoria-Tasmania-South Australia Divisional Branch Management Committee shall have regard to decisions of the Sub-Branch meetings of members".

(iii) South Australia - Sub-Branch Meetings

(a) Sub-Branch meetings shall be held on the last Wednesday of each month or as the Sub-Branch Management Committee may from time to time determine. Meetings shall be held at 1/32 South Terrace, Adelaide, SA or at such places as may be decided by the Sub-Branch Management Committee.

(b) The Sub-Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Sub-Branch President and Sub-Branch Secretary shall convene a special general meeting of the Sub-Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Sub-Branch, not including members of the Sub-Branch Management Committee,

shall constitute a quorum for any meeting of the Sub-Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Sub-Branch meetings or of any special meeting of the Sub-Branch shall be given in the Sub-Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Sub-Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Sub-Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Victoria-Tasmania-South Australia Divisional Branch Management Committee shall have regard to decisions of the Sub-Branch meetings of members.

END OF RULES

105N-BWIU: Incorporates alterations of 21 June 2024 [R2024/53]
(replaces rulebook dated 8 April 2024 [R2023/140])

I CERTIFY under section 161 of the Fair Work (Registered

Organisations) Act 2009 that the pages herein numbered

1 to 83 both inclusive contain a true and correct copy of

the registered rules of the Construction, Forestry and Maritime Employees

Union, Construction and General

Division and Construction and General Divisional Branches

GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches
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CONSTRUCTION AND GENERAL DIVISION RULES

1 – NAME

The name of the Division shall be "the Construction and General Division".

2 – ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-rules (A), (B), (D), (DA) and (N) of the National Rules shall belong to this Division.

Further, every member who is a member of the Union by virtue of Rule 2 sub-rule (E) of the National Rules, shall also be eligible for membership of this Division.

3 – DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

“commencement day” means the date provided by rule 69(iB)(c)

"CONSTRUCTION AND GENERAL DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to Construction and General Division is a member of this Division.

"MEMBER" shall mean a member of Construction and General Division and membership shall have a corresponding meaning.

"MEMBERSHIP YEAR" shall, for the purpose of Divisional Rule 19 herein, mean the period encompassing the two consecutive six month periods to which membership contributions are ordinarily attributable (i.e. 1 April to 30 September and 1 October to 31 March).

"C.O.M." (Committee of Management) or "Executive" shall be synonymous and shall mean in relation to a divisional branch the controlling and administrative body of such Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"QBLDB" means the Queensland Builders Labourers Divisional Branch.

"QNTDB" means the Queensland Northern Territory Divisional Branch.

"UNFINANCIAL DIVISIONAL BRANCH" shall mean a Branch of the Division that has more than two of the monthly capitation payments or part thereof outstanding to the Divisional Office as at the relevant date applicable in the rule where that expression is used in these Rules.

4 – MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which he or she resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by any union which has amalgamated to form this Union.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which he resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

(v) [Deleted]

(vi) [Deleted]

(vii) [Deleted]

Note: On and from 25 January 2025, or the declaration of the Divisional Branch elections scheduled to be held in 2024, whichever is the later, this rule is affected by operation of Schedule 1.

(viii) [Deleted]

(ix) [Deleted].

5 – ENTRANCE FEES

Applicants for membership of Construction and General Division shall pay on application an entrance fee in accordance with Divisional Branch rules.

6 – CONTRIBUTIONS

1. The annual contribution payable by each member shall be fixed by the Divisional Executive on the basis that such contribution shall be no less than 1% of the carpenter base rate in the Building and Construction General On-Site Award 2020 or any award of the Fair Work Commission or any successor Commonwealth Tribunal replacing same, multiplied by 52, provided that the Divisional Executive may fix some other rate.

   For the purposes of the immediately preceding sentence and Rule 32(b) herein, base rate shall mean the sum of the award base rate, supplementary payment and arbitrated safety net adjustments as determined by the relevant industrial body or tribunal.

2. Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules on or before the date specified in the Divisional Branch rules, shall, subject to any deferral under Rule 32(j) herein, be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

   A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

7 – SPECIAL MEMBERS

1. The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rules 5, 6 and/or 32(b), be entitled to all the benefits of membership.

8 – SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a

Conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to Divisional Conference by virtue of this sub-clause, members of the Divisional Executive shall, ipso facto, be delegates to the Divisional Conference and treated, in all respects, as delegates in the same way as any other member of the Divisional Executive.

Provided that any Delegate to the Divisional Conference from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Conference, shall not be entitled to attend any Divisional Conference (unless at the express invitation of one of the Divisional Officers), and in any event, shall not be entitled to move, amend or vote at any such meeting.

Any Assistant Divisional Branch Secretary designated for Painters shall be delegates to the Divisional Conference.

The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference.

After 2 January 1997 the Assistant Secretary (Plasterers) of each Divisional Branch which has such a position shall by virtue of that office be a delegate to Divisional Conference.

Provided that if at any time there is no longer an office of Divisional Branch Assistant Secretary (Plasterer) in the Australian Capital Territory Divisional Branch, either of the following as determined by the ACT Branch Committee of Management at least three (3) months prior to the opening of nominations as prescribed by r.38 of these Rules, shall be a delegate to Divisional Conference:

- the Divisional Branch Assistant Secretary; or
- a delegate to be elected at the divisional branch elections as prescribed by r.38 of these rules.

For the avoidance of doubt, on and from the date of certification of this sub-rule, any casual vacancy occurring in the relevant National Conference Delegate position as a result of death, resignation, retirement, dismissal or for any other reason shall be filled either ex officio or via an election under Divisional Rule 38(cc) at the discretion of the ACT Branch Committee of Management.

Note: This sub-rule is affected by the operation of Schedule 1.

(iii) Except as provided for in sub-clause (vi) and in sub-rule (viA), for the Divisional Branch elections scheduled for 2024 and onwards, Divisional Branches shall be entitled to elect, including the Divisional Branch Secretary, one delegate for the first one (1) thousand members or part thereof and one delegate for each succeeding one (1) thousand members or part thereof.

In addition, each Divisional Branch shall be entitled to elect one (1) additional delegate who must be a woman.

Note: This sub-rule is affected by the operation of Schedule 1.

(iv) For the purpose of this Rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

Note: This sub-rule is affected by the operation of Schedule 1.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the member is a delegate may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

Where a delegate is unable to attend a meeting of the Divisional Conference or any part thereof that delegate may appoint another elected delegate to Divisional Conference from the same Divisional Branch as proxy to act in his stead. Where a delegate is the only representative of a Divisional Branch and is to be absent from Divisional Conference the delegate may appoint an elected delegate from another Divisional Branch of this Division, or any other Divisional Conference member as the delegate's proxy.

(viA) There shall be a Queensland Northern Territory Divisional Branch (Northern Territory) delegate to Divisional Conference.

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania Divisional Branch the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first three of the allocated number of delegates for the Victoria-Tasmania Divisional Branch calculated in accordance with sub-rule (iii) hereof.

Note: This sub-rule is affected by the operation of Schedule 1.

(viiA) [Deleted]

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules.

Full time Divisional Officers, (Divisional Secretary, Divisional Assistant Secretaries) and Divisional President and full-time National Officers, may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall

notify his/her intentions in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that the number of Divisional Branch delegates to Divisional Conference shall, in relation to any Divisional Branch in which an officer or officers referred to in the immediately preceding subparagraph nominates, be increased by the number of such officers nominating in that Divisional Branch.

(ix) Six (6) delegates shall form a quorum of the Divisional Conference.

(x) Unless otherwise determined by the Divisional Executive, the Divisional Executive shall meet the cost of an economy plane fare for delegates and Divisional Officers attending Divisional Conference. All other expenses for delegates other than full time Divisional Officers shall be met by the Divisional Branches concerned.

(xi) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the offence alleged, including the time and place it is alleged the offence was committed;

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from a Divisional Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee.

Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard. Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish Divisional Branches of the Division and subject to Rule 11 to close any Divisional Branch and deal with any Divisional Branch in a like manner as the Divisional Executive may.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division

(l) To elect Divisional Trustees as set out in Rule 9.

(xii) A Divisional Conference shall be held biennially at such place and time as the Divisional Executive shall decide.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one (1) week before the date of such meeting but failure to notify will not of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable.

Notice shall be given by telephone, letter, facsimile, email and/or any other form of communications.

The Divisional Secretary may at any time thought fit conduct a postal, telephonic, facsimile, electronic and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter provided that any Delegate from a Divisional Branch that is an Unfinancial Divisional Branch as at the date of the vote or the date of conclusion of a vote, by the above manners of obtaining a decision shall not have his or her vote counted or shall not be able to vote, as the case may be.

(xvii) The Divisional Conference shall have and exercise all of the powers of the Divisional Executive and shall deal with any matter or matters referred to it by the Divisional Executive.

Where any matter or matters is/are referred to the Divisional Conference by the Divisional Executive in accordance with this sub-paragraph, the Divisional Secretary may call a Special Divisional

Conference in the same way as if he/she had received a resolution from a majority of Divisional Branches or a petition signed by not less than 10 per cent of the financial members of the Division calling for such Conference, in accordance with sub-paragraph xv) herein. In all other respects the provision of sub-paragraph xv) herein shall apply.

9 – DIVISIONAL EXECUTIVE

1.A For the purpose of the quadrennial Divisional elections to be held in 2013 and thereafter, the Divisional Executive shall be composed of one (1) Divisional President, one (1) Divisional Senior Vice President, one (1) Divisional Vice President, one (1) Divisional Secretary, two (2) Divisional Assistant Secretaries and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive.

Provided that where a Divisional Branch Secretary also holds the office of Divisional Secretary, the position he or she otherwise would have held on the Divisional Executive as Divisional Branch Secretary shall be held by a Divisional Branch Assistant Secretary from that Divisional Branch.

Further, provided that in addition to the Divisional Executive members referred to in the immediately preceding paragraph, there shall be an additional Divisional Executive member for any Divisional Branch with a financial membership exceeding 10,000 members, for each succeeding 10,000 financial members or part thereof within that Divisional Branch. For the purpose of this sub-rule the number of financial members shall be the number of such members as at 31 March in the year of the election. Such additional Divisional Executive members shall, notwithstanding sub-rule 2 herein, be nominated and elected by and from the Divisional Conference delegates from the relevant Divisional Branches to which those offices relate, such election to be conducted at the same time as the election of the Divisional Executive members referred to in the preceding paragraph.

Further provided that immediately following the declaration of the result of the election/ballot in accordance with sub-rules 7 or 11 herein, as the case may be, the Divisional Returning Officer shall call for nominations from the newly elected Divisional Executive members, other than the Divisional President, Divisional Senior Vice President, Divisional Secretary and Divisional Assistant Secretaries, for the office of Divisional Vice-President, and if necessary, conduct a ballot to determine that position.

Note: This sub-rule is affected by the operation of Schedule 1.

2. Except for the filling of extraordinary vacancies and the office of Divisional Vice-President, the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

3. [Deleted]

4. Preceding such conferences the Divisional Executive shall appoint a person as Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers and three Divisional Trustees in accordance with these rules.

4A. In addition, the Divisional Returning Officer shall have the conduct of the election of two (2) members of the National Women's Committee in accordance with rule 13B of the National Rules of the Union and according to the process set out in sub-rules (5)-(12) below.

The two (2) National Women's Committee member positions must be held by women and shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter, and shall hold office until the date referred to in sub-rule 9.13(a) hereof.

To be clear, the two (2) National Women's Committee members are not members of the Divisional Executive.

5. Nominations shall be called for by the Returning Officer on a date fixed by the Returning Officer following the fixing by Divisional Executive pursuant to Divisional Rule 8 (xi) of a date and place for the holding of elections required under this rule and shall close fourteen days after nominations are called. Nominations shall be called by posting to each member of the Divisional Conference a notice of the opening of nominations. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Divisional Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

In any year in which an election under this rule is due the Divisional Executive, pursuant to its power under sub-rule 8 (xi) to fix the time and place for the holding of a Divisional Conference, shall fix the time and place for the Biennial Divisional Conference on any date in that year, provided that:

(i) any elections required in that year may be conducted at the Biennial Divisional Conference with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules;

(ii) Divisional Executive may determine that the elections will be conducted at a Special Divisional Conference and may fix a time and place for the holding of a Special Divisional Conference for the purpose of conducting those elections with the persons elected taking office on the date referred to in sub-rule 9.13(a) of these rules; and

(iii) in the event that Divisional Executive determines to hold a Special Divisional Conference for the purpose of conducting elections under paragraph (ii) above, Divisional Executive shall also determine a date and place for the holding of Biennial Divisional Conference in that year.

(iv) Where the Biennial Divisional Conference or any Special Divisional Conference is to be held and/or fixed pursuant to this rule and the said Conference is to be conducted over more than one day, the Divisional Executive may fix the day of the Divisional Conference on which the election shall be held.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. -The confirmation of election of such Divisional Branch Secretaries and Plasterers representatives who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

The ballot for the Additional Divisional Executive members as defined in sub-rule 1A hereof shall be dealt with and completed.

The ballot for the three (3) Divisional Trustees shall be dealt with and completed. Where a particular ballot is delayed subject to the operation of sub-clause (10) other ballots shall be proceeded with at Divisional Conference.

Following the election of three (3) trustees the Returning Officer shall call nominations to determine which of the two (2) Divisional Assistant Secretaries will be the designated Divisional Assistant Secretary and if necessary conduct a ballot to determine the election.

The ballot for the two (2) members of the National Women's Committee shall be dealt with and completed.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive except the position of Trustee may be held by a member of the Divisional Executive other than a full-time Divisional Officer, and the Divisional Secretary may concurrently hold a full-time office in a Divisional Branch.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where he can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until he has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly entitled to hold such office on and from the date referred to in 13(a) of this rule.

13. (a) A Divisional Executive member shall hold office until 15 October in a year in which an election is required in accordance with these rules or until the Sunday immediately following the declaration of their successor's election at Divisional Conference (whichever is later).

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14 (a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates t Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

(c) For the avoidance of doubt, on and from the date of certification of this sub-rule 14(c), the provisions of this sub-rule 14 shall apply to the filling of any casual vacancy occurring in the office of Senior Vice-President as a result of death, resignation, retirement, dismissal or for any other reason.

(d) For the avoidance of doubt, on and from the date of certification of this sub-rule 14(d), the provisions of this sub-rule 14 shall apply to the filling of any casual vacancy occurring in the National Women's Committee positions as a result of death, resignation, retirement, dismissal or for any other reason.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members of the Division and Divisional Branches carry out the rules and decisions of the union and subject to Rule 11 impose penalties (i.e., fines not exceeding the sum of twenty dollars, suspension, expulsion or dismissal from office,) on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules or the decisions of the Divisional Executive. Provided that the rules or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless –

(i) The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Notice of the charge or allegation is given sufficient to enable a reply.

(iii) He/she is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(k) Control and supervise the work of the Divisional Officers.

(l) (i) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(ii) Where two (2) members of the Divisional Executive request, prior to a matter being put to a vote, that a card vote be conducted with respect to any matter, such a card vote shall be conducted in accordance with this rule. In the absence of such a request, the provisions of (i) above shall apply.

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

(iv) The manner of determining the number of members of any Divisional Branch for the purposes of (iii) above, shall be the same as the formula which applies in respect of membership numbers for the purposes of determining Divisional Branch representation to Divisional Conference as set out in rule 8(iv) of these Divisional rules.

(v) Where a card vote is conducted, the matter shall be determined by a majority of votes cast including additional votes as provided for in (ii) to (iv) herein.

Note: This sub-rule is affected by the operation of Schedule 1.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Executive -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

(n) To make, alter and rescind rules.

(o) Notwithstanding that a Divisional Executive member may occupy more than one office each of which would entitle them to be a member of the Divisional Executive, a member of the Divisional Executive shall be entitled to exercise one vote only (except where additional ordinary votes are cast in accordance with sub-rule (1) above).

Further provided that where a Divisional Secretary or Divisional Assistant Secretary is also a member of the Divisional Executive by virtue of holding office as Divisional Branch Secretary, such Divisional Secretary or Divisional Assistant Secretary shall exercise their vote on the Divisional Executive in their capacity as a Divisional Officer only and any vote of such person as Divisional Branch Secretary [and, where applicable, any additional ordinary votes of the Divisional Branch], shall be exercised by the Divisional Branch Assistant Secretary from that Divisional Branch provided that person is otherwise a member of the Divisional Executive.

16. Any member of the Divisional Executive (other than the Divisional Secretary, Divisional President, Divisional Assistant Secretaries, Divisional Senior Vice-President and Divisional Vice-President) from a Divisional Branch that has more than two of the monthly capitation payments or part thereof and/or interest thereon for which the Divisional Branch is liable under sub-rule 14(i) outstanding to the Divisional Office as at the date of any meeting of the Divisional Executive shall not be entitled to attend any Divisional Executive (unless at the express invitation of one of the Divisional Officers) and in any event, shall not be entitled to move, amend or vote at any such meeting.

17. Meetings of the Divisional Executive shall take place at least twice per year provided however that a meeting of the Divisional Conference shall be counted as a meeting of Divisional Executive for the purpose of this rule. Further, the members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, facsimile, email or other electronic means or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or other writing.

10 – REFERENDA

(i) On a decision of a majority of Divisional Branches that are not Unfinancial Divisional Branches as at the date of the decision, or Divisional Branches that are not Unfinancial Divisional Branches and whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 – REMOVAL OF OFFICERS

(a) (i) Any person elected to an office in the Division or a Divisional Branch may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(ii) An elected officer may be charged by any member of the Division with the offences referred to 11(a)(i) above, whether the offence occurred before or after this sub-rule came into effect, and where the Divisional Executive is to consider whether or not any elected Divisional or Divisional Branch Officer is to be removed from office under sub-paragraph (i) herein, the Divisional Executive may take any, some or all of steps 1 – 5 below:

1. Determine that no further action be taken;

2. Determine that a person or persons be delegated to investigate the charge and provide a report to the Divisional Executive on matters in relation to the charge and any recommendations for dealing with the charge;

3. Determine that the charge not be dealt with pending the receipt of a report requested by the Divisional Executive under this rule;

4. Determine that an elected officer charged under this rule be directed not to carry out some or all of the duties attaching to their office pending the hearing or other consideration of any charge against that elected officer;

5. Resolve policies as to procedure and matters that may be observed prior to and during a meeting of the Divisional Executive to consider whether or not any elected Divisional or Divisional Branch Officer is to be removed from office, provided that:

   A. Notice of the charge or allegation is to be given sufficient to enable a reply by the elected officer charged;

   B. The elected officer charged may provide a reply to the charge, which may include submissions and evidence;

   C. The Divisional Executive may determine that such reply shall be provided at or by a time determined by the Divisional Executive:
      i. in person; and/or
      ii. in writing; and/or
      iii. by other electronic means; and/or
      iv. by a representative of the elected officer charged;

D. Should the Divisional Executive determine that a hearing should be held:

i. such hearing may in whole or in part take place using electronic means in more than one place;
ii. the Divisional Executive may determine that the elected officer charged, a member who has laid the relevant charge, or any other participant may be represented by another person at the hearing;
iii. the elected officer charged is to be provided at least 7 days' notice of such hearing;
iv. should the elected officer charged fail to appear at the hearing and fail to provide a satisfactory explanation for their non-attendance, the Divisional Executive may proceed with the hearing of in their absence provided it is first satisfied that notice of the hearing in accordance with this rule has been served on the elected officer;

E. Notwithstanding rule 49(e) of these rules, the Divisional Executive may:

i. direct the elected officer charged to attend an independent medical examination to determine the officer's fitness to face charges and/or perform the duties of their office;
ii. consider any report of the independent medical examiner or other evidence and determine whether or not to hold or proceed with a meeting or hearing under this rule to consider whether or not the elected officer charged is to be removed from office.

(b) Should any elected officer be removed from office the Divisional Executive may appoint a member to fill the vacancy until the next elections are held and a successor takes office in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any elected officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive or National Conference.

In the event of the appeal being upheld the Divisional Conference, National Executive or National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such elected officer shall be reimbursed by a payment of monies that represent the difference between such salary that would have received had the officer not been removed from office and the amount of salary the officer received during the period that the officer was removed from office.

(e) "Office" under this rule has the same meaning as provided in the *Fair Work (Registered Organisations) Act 2009*.

12 – VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 – DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of Divisional Executive and meetings convened by Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where he is a full time officer he shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive, Divisional Conference, National Executive and/or National Conference, to appoint, control and dismiss the staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each financial year. Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive, National Conference or National Executive and allocate the duties of Divisional Officers.

The Divisional Secretary may concurrently hold a full-time office in a Divisional Branch.

(iii) Divisional Assistant Secretaries:

Divisional Assistant Secretaries and any other full-time Divisional Officer at the Divisional level shall perform all duties assigned to them by the Divisional Executive, National Conference or the National Executive.

They shall be under the control of the Divisional Secretary. They shall attend all meetings of Divisional Executive, National Conference and National Executive.

The Divisional Assistant Secretary who has been designated as the Divisional Senior Assistant Secretary in terms of Rule 9 sub-rule 6 shall fulfil all duties and responsibilities of the Divisional Secretary while on approved leave of absence except in respect of those duties decided otherwise by the Divisional Executive.

The office of Divisional Assistant Secretary may be resolved to be either a full-time or honorary office, by decision of the Divisional Executive made not less than 70 days prior to the calling of nominations for that office. Where a casual vacancy arises in that office, Divisional Executive may,

prior to filling the vacancy under rule 12, resolve whether the office is to be filled on an honorary or full-time basis.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(v) Divisional Vice-President:

The Divisional Vice-President shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 – FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be apportioned from time to time by the Divisional Executive.

A Divisional Branch that does not remit to the Divisional Office the moneys or part thereof owed by it by the time after such moneys are due and payable so that it becomes an Unfinancial Divisional Branch within the meaning of rule 3, shall in addition to those moneys, also be liable to pay to the Divisional Office interest on the unpaid amount at the percentage rate for 90-day bank bills as at the date that Divisional Branch becomes an Unfinancial Divisional Branch, on and from the said date. Such a Branch will remain an Unfinancial Divisional Branch for all purposes under these Rules until the principal sum and interest thereon specified in this sub-rule are paid to the Divisional Office.

If the Divisional Executive is of a view that the reasons for the non-payment are genuine reasons of incapacity to pay, then such interest shall not be levied.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank or financial institution approved by the Divisional Executive. All funds drawn from the bank shall be authorised in writing by the Divisional Secretary, Assistant Secretaries or Divisional President and one Divisional Trustee.

(iii) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the National Office, may be disbursed by decision of the Divisional Secretary and one of the Assistant Divisional Secretaries.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive, National Conference or National Executive.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Union. Where this is not possible, investments shall be made in the name of the Divisional Trustees.

The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The property of the Division shall be under the control of the Divisional Executive and shall be in the name of the Union.

15 – AUDITOR

The Divisional Executive shall appoint an approved auditor who shall each financial year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same. Provided however that the financial year for the Division shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall, in the report, draw attention of the Divisional Executive, National Conference and National Executive to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

Upon receipt by the Divisional Secretary of a petition, signed by not less than 5% of the members of the Division, requesting that a general meeting of members of the Division be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division, the Divisional Secretary shall convene such meeting as soon as is practicable.

16 – ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice calling the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

17 – RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 – DIVISIONAL BRANCHES

(a) There shall be Divisional Branches of the Division in each of the States and in the Australian Capital Territory, and in such other States or places as may be decided. The Divisional Executive may establish more than one Divisional Branch in any area and may do so on occupational or sub-industry bases, or may establish a single Divisional Branch for two or more States, Territories or places.

Such Divisional Branches shall be known as the Construction and General Division, New South Wales Divisional Branch, or as the case may be; or, with the approval of the National Executive or National Conference the Divisional Branch may be known by some other name.

(b) In Victoria and Tasmania, the Divisional Branch shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch. Further, in the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania Divisional Branch which shall be known as the Construction and General Division, Victoria-Tasmania Divisional Branch, Tasmania Sub-Branch.

Note: This sub-rule is affected by the operation of Schedule 1.

(c) In Western Australia, as a result of an agreement between the two Divisional Branch Secretaries prior to integration, the Divisional Branch Secretary of the integrated Divisional Branch shall be the principal officer and spokesperson for the Divisional Branch.

(d) [Deleted]

(e) All Divisional Branches mentioned herein shall for all purposes be and remain an inseparable part of the Division by which they are established.

19 – DIVISIONAL BRANCH RULES

(i) Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the Divisional Branch rules hereto, make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

Where any rule of a Divisional Branch allows for representation for different classifications of membership within the union such representation shall be reviewed by the Divisional Secretary no later than two months prior to the calling of nominations in that election so that representation of the classifications is based on the principle that the will of the majority shall not be thwarted and that there is appropriate representation of each such classification in the decision making bodies of the Divisional Branch concerned.

For the purpose of determining the two principles outlined in paragraph two herein, the aggregate membership over the 4 completed membership years immediately preceding the opening of nominations shall be averaged for the purpose of calculating the percentage of membership belonging to that classification. The proportion and representation decided upon in the manner outlined herein shall be reflected in the positions outlined in the rules for which nominations are called and shall remain the same (subject to any further decision of the Divisional Executive) for the period of office of the persons elected thereat.

Provided that where the classification has existed for less than four (4) years such lesser time shall be used for the purposes of the calculation.

(ii) (a) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, the powers and duties conferred by these Rules on Divisional Branch Council and Divisional Branch Executive Committees and the officers, organisers, full-time paid officials and employees thereof are exercisable only in respect of the members of those Divisional Branches and persons within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(b) Subject to sub-rule (c) hereof, unless expressly authorised by Divisional Conference or Divisional Executive, no officer, organiser, full-time paid official or employee of any Divisional Branch shall be authorised or permitted to perform any of the functions or duties

conferred on such officers, organisers, full-time paid officials or employees by these rules, or to hold themselves out as an officer, organiser, full-time paid official or employee of the Union, other than within the geographic area and occupational categories within the State or Territory for which the Divisional Branch is responsible.

(c) Nothing in sub-rules (a) and (b) hereof shall limit the rights of office holders to perform their duties as members of Divisional or National governing bodies in accordance with the rules, being those matters specified in rule 13 of these Rules and rule 22 of the National Rules of the Union. Further provided that sub-rule (b) hereof shall not apply where Divisional Branch officers, organisers, full-time paid officials or members carry out work in a Divisional Branch (other than a Divisional Branch in which such person is elected, appointed or engaged) pursuant to a resolution of the Divisional Branch Management Committee of the Divisional Branch in which such work is undertaken, and in accordance with the terms of that resolution.

20 – EXECUTION OF AGREEMENTS, ETC

Industrial Agreements and other instruments that may be needed by or on behalf of the Division shall be executed by the Divisional Secretary or such other Divisional Officer as authorised by the Divisional Executive.

21 – SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute affecting the members of this Division may be submitted to conciliation or arbitration upon a resolution in favour of submitting such dispute carried by a majority of the members of the Divisional Executive or by the Divisional Secretary.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such dispute and it or he may delegate it or his functions either generally or specifically.

22 – DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 12/276 Pitt Street, Sydney, or such place as Divisional Executive shall decide.

There shall be an annexe at 500 Swanston Street, Melbourne in the State of Victoria.

23 – PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of legislation, Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the legislation, Award or Agreement, or to seek penalties against an employer for such breaches.

24 – RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

25 – LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

26 – VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time he may submit a resolution dealing with such matter to the members by letter, facsimile, telephone, email, verbally and/or any other means of communication or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional President and the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in his absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

27 – STANDING ORDERS FOR MEETINGS

This Rule shall apply to all meetings in the Division, including Divisional Branch Management Committee meetings, but shall not apply to general Divisional Branch meetings and/or rank-and-file meetings to which Rule 64 shall apply.

This Rule operates as a guideline only and any meeting may expressly or impliedly determine a course and procedure not in accordance with these Standing Orders for Meetings. No departure from any or all parts of these Standing Orders, whether in form or substance, shall vitiate the calling of any meeting, or any resolution, discussion and decision made at any meeting or the continuation of any meeting.

(a) Motions - How Dealt With:

(i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the meeting and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates present agree to an extension of time.

(ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

(iii) A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

(iv) A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(v) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(vi) All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chair's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

(vii) A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates present agree to an extension of time.

(viii) Right of Speaker: Any delegate desiring to speak shall rise and address the chairman. If two or more delegates rise at the same time the chairman shall call upon the one who, in his opinion, first rose.

Provided that no delegates can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.

(c) Upon a point of order raised during the debate.

(d) Upon a resolution being carried "that he now be heard".

(ix) A delegate will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him.

(x) No more than two delegates shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

(xi) Any delegate speaking shall at once resume his seat

(a) If the chairman rises to speak; or

(b) If a point of order is raised.

and shall not resume his speech until the point of order is decided.

(xii) No delegate may speak to any question after it has been put by the chairman or during the taking of the vote.

(b) REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference thereon.

If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

(c) ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairman unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

(d) ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

(e) CHAIR'S RULINGS

The chair's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

(f) SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

(g) SITTING AS A COMMITTEE

Divisional Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Executive shall be observed when in Committee.

(h) DEFINITION:

In this rule "delegate" shall include any person attending a meeting.

DIVISIONAL BRANCH RULES

28 – NAME

The name of the Divisional Branches of this Division shall be as follows:-

(a) In New South Wales, South Australia, Western Australia, and the Australian Capital Territory, "The Construction and General Division, X Divisional Branch" where X is the State or Territory concerned;

(b) In Tasmania and Victoria "The Construction and General Division, Victoria-Tasmania Divisional Branch".

Note: This sub-rule is affected by the operation of Schedule 1.

(c) In Queensland in accordance with Rule 18 of these rules.

29 – ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the Construction and General Division of the Union residing or employed in the State or Territory concerned shall be and remain members of the Divisional Branch or Divisional Branches within that State or Territory.

Provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in the Northern Territory shall, on and from 1 January 2012, be and remain members of the Queensland Northern Territory Divisional Branch.

Note: This sub-rule is affected by the operation of Schedule 1.

30 – MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant. Divisional Branches may publish applications for membership on the internet.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) A person applying for membership shall, on the membership application form, state which classification the applicant for membership considers to be his or her appropriate classification. All applications for membership shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Council and such applications may be lodged via the internet or email. Applications for membership shall be dealt with by the Divisional Branch Management Committee or another committee authorised by Divisional Branch Council, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit him or her to membership of the Divisional Branch and the Union.

The classification determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Division or Divisional Branch where election to such office is dependent upon the members falling into one or other classification;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

Note: This sub-rule is affected by the operation of Schedule 1.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the Construction and General Division, the Divisional Branch, and the Union.

(d) A period of thirteen weeks, together with any period from the date of admission that the member has not been working at the trade, shall be allowed for the purpose of any member objecting to the continuance of membership of new members. Any objection to the continuance of membership of a new member shall be lodged in writing with the Divisional Branch Secretary or authorised person entitled to receive such application, such objection shall be lodged within the above-named period.

(e) A new member shall during the currency of the probationary period be entitled to full membership privileges and responsibility in accordance with Rules.

(f) A new member shall pay on application for membership all moneys required to be paid by a new member - Entrance Fee, one half year's contribution.

(g) Applicants for membership shall be qualified workers of good character, and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

Half yearly terms shall be deemed to begin on the first day of April and October, respectively.

(h) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be taken to have authorised the union and its officers and employees to seek and obtain any information from any industry scheme of which that member is also a member or participant, for the purpose of ensuring that the member has received or is receiving all of the benefits to which that member is entitled under such industry schemes.

For the purpose of this sub-rule a reference to "industry scheme/s" shall be taken to include any or all of the following;

(i) C+Bus or any state based equivalent superannuation scheme.

(ii) Australian Construction Industry Redundancy Trust or any State equivalent redundancy scheme, or predecessor scheme.

(iii) Any long service scheme established pursuant to legislation of any State or Territory for the benefit of persons in construction and related industries.

(iv) Any other scheme the benefits to which the member of the Divisional Branch is entitled pursuant to his/her contract of employment, or any legislation, or any award or certified agreement to which the union is a party.

(ii) APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS

(a) An apprentice (indentured or trainee), improver, trainee or other labour market programme worker may be admitted to this section. That person shall, on the completion of their apprenticeship or where they cease to be an improver, trainee or labour market programme worker, be transferred to the General Section and be subject to the provisions of the General Section membership.

(b) A person engaged in a pre-apprenticeship course at a technical college shall on application be admitted to the apprentices section without being required to pay any contributions (subject to payment of an enrolment fee to be determined by the Divisional Branch Management Committee from time to time).

(c) The same provisions relating to the admission of members to the General Section shall apply to applicants to the Apprentices, Improvers, Trainees and Labour Market Programme Workers section.

(iii) Victoria-Tasmania Divisional Branch

(a) The record of members of the Victoria-Tasmania Divisional Branch shall classify each member into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(x) fibrous plasterer/fibrous plaster industry worker
(xi) crane operations
(xii) rigger/dogman
(xiii) plant and machine operations
(xiv) boiler attendant/engine driver
(xv) production worker (metal)
(xvi) concrete pump operations
(xvii) forklift/hoist operations
(xviii) driller
(xix) other

which shall be known as the member's designated classification.

(b) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania Divisional Branch accordingly.

(e) The Victoria-Tasmania Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania Divisional Branch where election to such office is dependent upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

Note: This sub-rule is affected by the operation of Schedule 1.

(iv) Queensland Northern Territory Divisional Branch (Northern Territory Members)

The provisions of these rules relating to membership and applications for membership of the Queensland Northern Territory Divisional Branch shall apply with equal force and effect to persons residing and/or employed in the Northern Territory.

(v) [Deleted]

31 – ENTRANCE FEE

All applicants to the General Section shall pay an entrance fee that shall be any sum as the Divisional Branch Council or Divisional Branch Management Committee may decide.

All applicants to the Apprentice and Improvers' Section shall be admitted without the payment of an entrance fee.

The Divisional Branch Management Committee of each Divisional Branch shall determine such other circumstances, if any, in which an applicant shall be exempt from the requirement to pay an entrance fee.

32 – CONTRIBUTIONS

(a) A statement setting out all contributions, levies and fines due shall be forwarded to every member half-yearly not later than March 1, and September 1, of each year.

Such notice shall be deemed to have been received by the member unless the member personally advises the Divisional Branch Secretary by registered letter on or before the 1st day of April or the 1st day of October, as the case may be, in the current year that the member has not received such statement.

In no case shall the failure of the member to receive a notice entitle the member to be considered financial other than provided for in this Rule.

(b) Subject to the provisions of sub-clause (c) to (h) of this Rule, contributions shall be due and payable in advance as from the 1st day in April and the 1st day in October respectively in any year as follows:

GENERAL SECTION: Divisional Branch membership contributions shall be no less than 1% of the Building and Construction General On-Site Award 2010 (or any other award replacing that award) base rate for a carpenter multiplied by 26 unless decided otherwise by the Divisional Executive on application by the Divisional Branch concerned.

The Divisional Branch Management Committee shall calculate the amount of Union contributions based on the abovementioned formula.

The Divisional Branch contributions so fixed shall be applied from the following half year period commencing 1st October and 1st April respectively.

APPRENTICES, IMPROVERS, TRAINEES AND LABOUR MARKET PROGRAMME WORKERS: Divisional Branch contributions for apprentices shall be determined by the Divisional Branch Council concerned.

The apprentice shall be charged half yearly dues at the rate applying at the commencement of that financial half year, except in respect of the financial half year during which the apprentice becomes a tradesperson.

An improver, trainee or labour market programme worker shall be charged half yearly dues at a rate that is less than the general section and is determined from time to time by the Divisional Branch Management Committee.

Arrangements for Deduction Schemes

(c) Subject to sub-rule (cA), notwithstanding anything elsewhere in the rules the union may make arrangements with

an employer (including any Government Department) or

any Bank, Building Society, Credit Union or other financial institution

for the regular deduction, on the authority of a member, of amounts whether by way of contributions (rounded up, if necessary, to a multiple of five cents), levies or any other monies which may be payable by a member to the union pursuant to the Rules, from

the wages or monies payable to the member or

from any account maintained by the member as the case may be,

and then so long as an authority by the member for the deduction of contributions and other financial dues which is acceptable to the Divisional Branch remains in force, the member shall be deemed financial, notwithstanding that the payments are not made in advance as required by this Rule provided that, the member was financial immediately prior to arranging such deduction.

Provided however that in the alternative, a member may authorise such additional deductions as will repay all outstanding contributions over time and also, from the point at which any outstanding contributions are met in full, ordinary regular deductions thereafter in which case such member shall be regarded as fully financial at the point at which all previously outstanding contributions are met and a current authority to deduct remains in force.

Further provided that in the case of new members such members may either pay all joining fees and membership contributions necessary to become a member and provide an authority to deduct such contributions from the commencement of the first dues period after the date of joining, in which case the member shall be deemed to be financial, or alternatively, authorise the regular deduction of all such fees and contributions as will result in a nil balance owing to the union at the end of such dues period in which case such member shall be entitled to all the benefits of membership other than the right to vote which right shall only be conferred after a continuous period of 26 weeks of contributions are paid under such authority.

(cA)

(i) This rule applies to members attached to the QNTDB, the WA Divisional Branch, the NSW Divisional Branch and the SA Divisional Branch and applies notwithstanding the provisions of sub-rule (c).

(ii) Notwithstanding anything elsewhere in the rules, a member of the QNTDB, WA Divisional Branch, NSW Divisional Branch or the SA Divisional Branch who:

(a) has paid the entrance fee;

(b) commenced on, and makes payment in accordance with, a Scheme, and

(c) either:

(A) has made payment of all Membership Contributions immediately prior to commencing on a Scheme; or

(B) has authorised the deduction of an amount that will result in the payment of all Membership Contributions within six (6) months of commencing on a Scheme or with such longer period as the Divisional Branch Secretary permits,

will be a financial member and will be entitled to all the benefits of membership including the right to vote.

(iii) A member making payment of their Membership Contributions in accordance with:

(a) a payroll deduction scheme will be unfinancial if in arrears for a period of three (3) months after the last payment under the payroll deduction scheme was received; or

(b) a direct debit scheme will be unfinancial if in arrears of two (2) Periodic Payments.

(iv) For the purposes of this rule:

(a) 'Direct Debit Scheme' means a scheme where a member provides written authority for contributions payable to the QNTDB, WA, NSW or the SA Divisional Branch to be deducted, on such regular basis as the respective Divisional Branch Secretary agrees, from the member's financial institution, similar debit account or credit card;

(b) 'Membership Contribution' means entrance fees, subscriptions and levies in accordance with these Divisional Rules;

(c) 'Payroll Deduction Scheme' means a scheme where a member provides written authority to their employer for contributions payable to the QNTDB, WA, NSW or the SA Divisional Branch to be deducted, on such regular basis as the respective Divisional Branch Secretary agrees, from the member's salary;

(d) 'Periodic Payment' means a payment required to be made by a member of the QNTDB , WA, NSW or the SA Divisional Branch at the frequency authorised in their written authority; and

(e) 'Scheme' means a Payroll Deduction Scheme or a Direct Debit Scheme.

Levies

(d) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by Divisional Branch Council or the Divisional Branch Management Committee.

Fines

(e) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by Divisional Branch Council of the Divisional Branch Management Committee.

(f) All moneys paid by a member shall be credited in the following order:

1. In payment of any levies due; and

2. In payment of any fines due, and

3. In payment of any contributions due

Unfinancial Member

(g) Subject to Sub-rule (cA), (i) and (j) herein, any member who has failed to pay all contributions, levies and fines imposed in accordance with the rules of the union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any vote, nominate for official positions, propose or second any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

From the date of payment of all such arrears or any cancellation, credit or waiver in accordance with these Rules, a member shall be deemed to be financial.

Credit to New Members

(h) Applicants joining the Divisional Branch during the currency of any half year shall be credited in the next half year for such period as has elapsed before they joined. Such credit shall be calculated on a monthly basis.

Cancellation/Waiver of Contributions etc

(i) Notwithstanding any other Rule to the contrary, a Divisional Branch Management Committee or such other official/s and/or employee/s within the Divisional Branch as the Divisional Branch Management Committee may authorise from time to time, may, in its discretion, cancel, waive, credit or otherwise diminish either in whole or in part, any contributions, fees, levies or other arrears, whether before or after the period to which the contribution, fee, levy or other arrear relates or before or after such contribution, fee, levy or other arrear falls due, or for or in relation to a period or amount arising before or after the certification of this sub-rule for such reason as the Divisional Branch Management Committee feels appropriate. Without limiting the generality of the foregoing, such grounds may include:

(a) absence from Australia;

(b) inability to carry on a member's vocation or calling through illness or injury;

(c) unemployment

(d) any other hardship whatsoever;

(e) periods on workers' compensations or because of any injury which, in the view of the Divisional Branch Management Committee ought properly have been compensable;

(f) The maximisation of participation of members in Union affairs and the maximisation of financial union membership

Provided however that any decision to cancel, waive, credit or otherwise diminish the contributions, fees, levies or other arrears of any member by any officer/s and/or employee/s authorised by the Divisional Branch Management Committee to do so, shall be presented to the Divisional Branch Management Committee for final ratification at the next meeting of that body or as soon as practicable thereafter.

Further provided that the Divisional Branch Management Committee may, in its discretion, either before or after the said cancellation, waiver, credit or diminution require from any such member such documentation or other evidence which shows, to the satisfaction of the said Divisional Branch Management Committee, the basis of such cancellation, waiver, diminution or credit.

For the purposes of this Rule and any other Rule of the Union, any period covered by or any amount deducted from any amounts owing or diluted by any cancellation, waiver, credit or diminution shall count for all purposes as if it were a payment of the fees and, in the case of an amount rendering the member otherwise financial shall count, if the period so covered is the only period of unfinanciality, for all purposes as continuous financial membership unless the member is, otherwise than for the cancellation, waiver, credit or diminution, unfinancial.

Provided however persons seeking to rely on the preceding paragraph to establish financial membership for the purpose of eligibility to nominate for office under Rule 38(a) herein, shall only be permitted to do so where the amount waived or sought to be waived on each occasion does not exceed one six-monthly period of membership contributions.

Continuous membership for the purpose of this Rule and wherever encountered in these Rules means membership without any break in the continuity of membership from the last date of acceptance into the Division.

Provided that for the purposes of this Rule continuous membership shall be and include unbroken membership with any Division, Union, Branch or District which amalgamated with the Union or preceded the formation of this Division.

(j) A Divisional Branch Management Committee may, in its discretion and for any reason it considers appropriate, defer for a maximum period of three months the date by which payment of contributions shall be due and payable under sub-clause (b) of this Rule. Any member whose contributions have been deferred will remain a financial member as provided for in Rule 6 for the duration of the deferral, save that the member will not be eligible to nominate for or hold office within the Union for the duration of the deferral. A Divisional Branch Management Committee may only defer the payment of contributions of a member who has paid membership contributions in full in each six-monthly period in which such contributions fell due and payable for at least the previous three years.

Any period covered by a deferral shall count for all purposes as continuous financial membership.

The Divisional Branch Management Committee may defer the payment of contributions either before or after they fall due and payable in accordance with sub-clause (b) of this Rule. If a payment of contributions is deferred after it falls due and payable, the period of the deferral must commence on the date that the contributions fell due and payable and at which the member would, but for the deferral, have become unfinancial. The Divisional Branch Management Committee may not decide to defer the payment of contributions more than three months after the contributions fell due and payable.

33 – COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

34 – AGED, INFIRM, UNEMPLOYED OR UNFINANCIAL MEMBERS

(a) A member with 10 years' continuous membership who is unable to follow their usual occupation, may on application to Divisional Branch Management Committee or other authorised Committee be granted retired membership at the discretion of the Divisional Branch Management Committee.

On payment of the amount of $2.00 per year or such other higher amount as a Divisional Branch may determine, retired members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote.

Persons who have previously been granted retired membership or honorary life membership shall, if they have paid an amount of $2.00 per year or more since the granting of such membership, be and be treated as retired members in accordance with this sub-rule and fully financial in the union.

In the event that a retired member has paid more than the minimum amount the difference shall be credited to the members account.

Note: This sub-rule is affected by the operation of Schedule 1.

34A – LIFE MEMBERSHIP

(a) A member may apply for life membership, which will be granted at the discretion of the relevant Divisional Branch Management Committee.

(b) Such members shall be treated as fully financial and entitled to all the benefits of membership including the right to vote, without the requirement of paying any dues. Persons who have already applied for and been granted life membership shall be treated as coming within this sub-rule.

(c) Life membership which has been validly conferred prior to the date of this rule change, including life or honorary membership conferred by a union that subsequently amalgamated into the CFMEU, shall be recognised.

35 – FUNDS OF THE DIVISIONAL BRANCH

(a) All moneys subscribed shall be held for the administration of the Divisional Branch in accordance with Rules and banked by its officers in such bank or banks as the Divisional Branch Council shall decide.

(b) All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and no expenditure shall be permitted for any other purpose.

(c) APPLICATION OF FUNDS - The funds of the Divisional Branch shall be used only for the carrying out of the objects of the Union and in necessary expenses of management.

(d) INVESTMENT OF FUNDS - The surplus funds or other property of the Divisional Branch shall be invested from time to time in such manner as may be authorised by law and as may be determined by the Divisional Branch Council.

(e) All expenditure for ordinary purposes, i.e., incurred in directly furthering the objects and for expenses of management, may be disbursed by direction of the Divisional Branch Management Committee and any other expenditure by direction of the Divisional Branch Council.

(f) From the contributions of the members there may be established funds to be known as the Benefit Fund and Contingent Fund, which are to be used exclusively for the purpose set out in the rule covering these funds and not used for any other purpose.

(g) The Divisional Branch Secretary may be authorised by the Divisional Branch Committee to incur any expenditure on behalf of the Branch Division provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.

All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(h) BENEFIT FUND - The credit balance of a Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(j) CONTINGENT FUND - The credit balance of a Fund shall be maintained at a level determined by the Divisional Branch Council and shall be reimbursed from the General Fund quarterly.

(k) Notwithstanding sub-rules (e) and (g) hereof, in the NSW Divisional Branch all expenditure for ordinary purposes, i.e. incurred in directly furthering the objects of the union and for expenses of management of the Divisional Branch may be disbursed by decision of the Divisional Branch Secretary or the Divisional Branch President and such other official of the Divisional Branch as the Divisional Branch Management Committee may from time to time authorise. Provided however that all expenditure so incurred shall be placed before the Divisional Branch Management Committee for consideration and ratification, and further provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit. Expenditure for other purposes authorised by the rules may be disbursed by decision of the Divisional Branch Management Committee.

36 – AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by an approved auditor appointed by the Divisional Branch Council who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every financial year to and including the last day of December of each financial year. Such auditor shall also produce and certify a yearly balance sheet. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

The auditor shall have full and complete access to the books and documents of the Branch.

(b) Copies of the financial statement and balance sheet shall be forwarded to all district secretaries for the information of and inspection by financial members.

Upon receipt by the Divisional Branch Secretary of a petition, signed by not less than 5% of the members of the Divisional Branch, requesting that a general meeting of members of the Divisional Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Divisional Branch, the Divisional Branch Secretary shall convene such meeting as soon as is practicable.

37 – OFFICERS

(i) In NSW the officers of the Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, and Divisional Branch Management Committee members, together with such Organisers as may be deemed necessary and as the Divisional Branch Council or Divisional Branch Management Committee from time to time determine.

(ii) In the QNTDB the officers of the Divisional Branch shall consist of the Divisional Branch President, two (2) Divisional Branch Senior Vice-Presidents (which positions shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary, the Divisional Branch Assistant Secretaries (the total number of which shall be determined in accordance with Rule 40 of these Divisional rules) which shall include a Divisional Branch

Assistant Secretary (Plasterers) and may include a Divisional Branch Assistant Secretary (Painters), and two Divisional Branch Executive Members.

(iii) In the Australian Capital Territory, the officers of the Divisional Branch shall consist of the Divisional Branch President (which position shall be honorary), two Divisional Branch Vice Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary, Divisional Branch Organisers, Divisional Branch Delegates to Divisional Conference and members of the Divisional Branch Management Committee.

(iv) Without affecting the term of office of persons holding office as Divisional Branch Officers immediately prior to the date of certification of this sub-rule, the officers of the Western Australia Divisional Branch shall, on and from 2 January, 2001, or the declaration of the election in 2000, whichever is the later, consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, three (3) Divisional Branch Trustees, the Divisional Branch Treasurer and Divisional Branch Management Committee members, together with such number of Organisers as the Divisional Branch Management Committee from time to time determines.

Provided however that on and from the date of certification of this amendment there shall be only one (1) Divisional Branch Assistant Secretary in the Western Australian Divisional Branch.

(v) (a) [Deleted]

(b) On and from 2 January 2013 or the declaration of the election in 2012 whichever is the later, the officers of the Victoria-Tasmania Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President, (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Sub-Branch Management Committee referred to in Rule 42B(b) herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

Note: This sub-rule is affected by the operation of Schedule 1.

(vi) The officers of the South Australia Divisional Branch shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, (which position shall be honorary), the Divisional Branch Secretary, two Divisional Branch Assistant Secretaries, the Divisional Branch Treasurer (which position shall be honorary), two (2) Divisional Branch Trustees, (which positions shall be honorary) and the members of the Divisional Branch Management Committee.

Provided however that on and from the date of certification of this amendment there shall be one only Divisional Branch Assistant Secretary in the South Australian Divisional Branch.

Note: This sub-rule is affected by the operation of Schedule 1.

37A – EXECUTION OF DOCUMENTS

Industrial agreements affecting the employment of members of a single Divisional Branch, or persons within the geographic area and occupational categories within the State or Territory for which a single Divisional Branch is responsible, and any other instruments concerning the affairs of a single Divisional Branch, shall be executed by the Divisional Branch Secretary, or such other Divisional Branch Officer as authorised by the Divisional Branch Executive.

38 – DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who:

(A) is a financial member of the relevant Divisional Branch as provided for in Rule 6, at the time nominations are called,

(B) has had continuous membership of the Divisional Branch during the period immediately preceding the calling of nominations for the length of time specified in the scale in sub-rule (a)(vi) herein for the relevant offices and has not been unfinancial at any time during that period (irrespective of whether any outstanding contributions are subsequently repaid to render the member financial); and

(C) was,

(i) for not less than 9 months during the period of twelve months immediately preceding the calling of nominations employed as an employee in a trade or calling or branch thereof in or in connection with which the union is registered in the geographic area applicable to the relevant Divisional Branch, or engaged as an officer (as defined by Rule 37 herein) in the relevant Division or Divisional Branch (or in any state registered counterpart organisation thereto) or as an employee thereof after having been elected or appointed thereto; or

(ii) for not more than 3 months during the period of twelve months immediately preceding the calling of nominations, unemployed on account of illness, incapacity or inability to obtain employment

may nominate for such positions according to that scale.

(iA) In relation to the South Australian Divisional Branch only, subrules (a)(i)(B) and (C) and the scale in sub-rule (a)(vi) will not apply to the filling of any casual vacancy that exists at the time of this rule change, or to any casual vacancy that may arise prior to nominations being called for the Divisional Branch election to be held in 2024.

For the avoidance of doubt, a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, and will be filled in accordance with r38(cc).

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

(iv) Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-
Secretary, Assistant Secretary, President, Organiser.

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, South Australia and Victoria, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

Note: This sub-rule is affected by the operation of Schedule 1.

(vi) No member shall nominate for both Trade Management Committee member in accordance with Rule 42 - Divisional Branch Management Committee, and Trade or Zone Councillor in accordance with Rule 40 - Supreme Governing Body.

Where a member nominates for both, the Returning Officer shall seek from the member an election as to which position the member wishes to contest.

Where no election is made by the member the Returning Officer shall treat as valid only the nomination for the Divisional Branch Council, being the supreme governing body of the Divisional Branch.

The scale of continuous financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary Divisional Branch Secretary/Treasurer Divisional Branch Assistant Secretary Divisional Branch President Divisional Branch Senior Vice-President and Vice President Divisional Branch Delegate to Divisional Conference	3 years' continuous financial membership
Divisional Branch Management Committee Member District Secretary/Organiser Organiser Sub-Branch Secretary, President, Or Management Committee Member Divisional Branch Trustee (South Australia and Queensland Builders Labourers' Divisional Branches)	1 year's continuous financial membership
Divisional Branch Councillor, representatives	financial membership

(b) The term of office for the above positions shall be four years and such term shall commence from the 2 January, following the election. In the event that a delay in the conduct of an election means that the results for an office are not declared until after 2 January, the successful candidate(s) shall take up office on the Monday immediately following the declaration of their election. In circumstances where the results for an office are declared after 2 January, the term of the candidate will be reduced by the length of the delay to ensure that there is no disruption to the next scheduled Divisional Branch election under these rules.

(b)(i) In the event that there is a delay of the kind described in rule 38(b), the incumbent will hold over office beyond 2 January and until their successor takes up office on the Monday immediately following the declaration of their election. Any action taken by the incumbent while holding over

office shall not be invalidated merely because they have been held over in the position in accordance with these rules.

(c) Nominations for the above positions shall be called by the Returning Officer by notification in the union journal and the Divisional and relevant Divisional Branch website. Where a Divisional Branch printed journal is not scheduled for publication within two weeks of the opening of nominations then the website notification shall suffice. Alternatively, notice may be given to members by publication in one daily newspaper circulating in the Divisional Branch area on or before the last day of August in the year of the election.

Provided that such notifications shall clearly indicate that the Divisional Executive members, the full-time Divisional Officers, the National Conference delegates and the National Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations must be lodged with the Returning Officer before the close of nominations at the address and by the methods specified on the notice of election. Nomination forms shall be signed by the candidate and by at least ten (in the case of those offices in (a)(vi) above for which 3 years continuous financial membership is required) and five (in all other cases) financial members of the Divisional Branch.

(e) Nominations shall be closed at 4 pm on the second last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Returning Officer by that time on the date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(f) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Councillor 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(g) The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(h) If at the closing date for nominations only sufficient nominations have been received by the Returning Officer to fill any vacancy or vacancies the Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Returning Officers' report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the

number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within one day of the closing of nominations, a certified list of financial members entitled to vote to the Returning Officer.

(n) The Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by registered post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Returning Officer by the Divisional Branch Secretary the following documents/materials only: -

(i) a ballot paper initialled by the Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Returning Officer may consider necessary.

(v) the candidates statement provided for in accordance with sub-rule (f) of this rule.

(vi) provided that the Returning Officer shall post to each member eligible to vote by pre-paid post all ballot papers. The ballot papers shall be posted to ensure eligible members receive them not less than 14 days before the closing of the ballot.

(o) All financial members as defined in this rule shall be entitled to vote for all positions. Provided that in respect of voting for councillors members shall only be entitled to vote to elect the Councillor or Councillors within their Trade District or if they are not a member of a trade district, for the councillors within the zone district that they are attached to.

The zone that a member is attached to for the purpose of this rule shall be the zone that the member resides in according to the Divisional Branch records which shall be based upon the last address supplied to the Divisional Branch by the member up to and including the last working day of September in the year of the election.

(p) For the purpose of the election, the books of the Divisional Branches shall be deemed to have closed eight (8) days before the date on which nominations open (the electoral roll closure date). Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the electoral roll closure date shall be entitled to vote.

(q) The opening date of the ballot shall be at the 12th day of November and the closing date shall be noon on the 26th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(r) The Returning Officer shall collect the returned ballot papers and keep them securely under their custody until the commencement of the count.

(s) The Returning Officer shall advise scrutineer/s of a secure space and location where the count shall occur. If the AEC is conducting the election, the counting of the ballot shall take place on AEC

premises. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

(t) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.

(u) (i) The Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 3, Definitions, and the candidate or candidates receiving the necessary votes shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

(ii) In any election for trade and/or zone councillors of the Divisional Branch Council the method of counting shall be that the candidate receiving the highest number of votes amongst candidates from the same trade in respect to trade councillors and amongst candidates who are from the relevant classifications relating to the respective representatives of each zone in respect to zone councillors, shall be declared elected.

(iii) In any election for the Divisional Branch Council where there is no candidate to fill the trade position of Bridge & Wharf Carpenters or Tilelayers or Slater & Tilers, Plate, Sheet and Ornamental Glass Worker or Stonemason, Marble Mason, Terrazzo Workers or where there are insufficient candidates to fill all the positions in any zone, any such position shall be filled by an election held in accordance with the provision for casual vacancies contained in Rule 38 sub-rule (cc), of which election shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Councillors.

(iv) In any election for the Divisional Branch Management Committee where there is no candidate or insufficient candidates to fill the positions, any such position shall be filled by an election held in accordance with provisions for casual vacancies contained in Rule 38 sub-rule (cc), of which elections shall be held not earlier than 6 weeks and not later than 6 months following the declaration of the poll for the election of other Divisional Branch Management Committee Members.

(w) In the case of equality of votes for any 2 or more candidates the Returning Officer shall determine which of the candidates is elected by their casting vote by casting lots.

(y) The Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall issue instructions for the publication of same in their minutes.

The officer shall also notify each successful candidate by post.

The Returning Officer's report to the Divisional Executive shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(z) The successful candidates shall take up their respective duties not later than the 2nd day of January following the conclusion of the ballot, or otherwise in accordance with rule 38(b), and shall remain elected until their successors take up office.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot.

They shall obey any directions given to them by the Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

(cc) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in these rules, the Returning Officer shall conduct an election in accordance with the rules, with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(dd) In the Victoria-Tasmania Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

Note: This sub-rule is affected by the operation of Schedule 1.

39 – PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Council.

40 – SUPREME GOVERNING BODY - DIVISIONAL BRANCH COUNCIL

(1) Subject to these Rules, the highest governing body of each Divisional Branch, shall be the Divisional Branch Council convened by the Divisional Branch Management Committee no less frequently than every two years.

Provided however that in the Queensland Northern Territory Divisional Branch the Divisional Branch Council shall meet not less than three times per year.

(2) (i) In New South Wales,

(a) The Divisional Branch Council shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the members of the Divisional Branch Management Committee together with zone councillors as provided by sub-rule (b) herein.

(b) The Divisional Branch Councillors in New South Wales shall include the following Zone Councillors;

Cumberland Zone: 22 councillors who reside in the County of Cumberland elected by all members of the Divisional Branch.

Northumberland Zone: 3 councillors who reside in the County of Northumberland elected by all members of the Divisional Branch.

Camden Zone: 3 councillors who reside in the County of Camden elected by all members of the Divisional Branch.

Country Zone: 3 councillors who reside in NSW, (other than in the Counties of Northumberland, Cumberland or Camden), elected by all members of the Divisional Branch

The ballot paper for the election of New South Wales Divisional Branch Zone Councillors shall specify the four zones referred to above and the number of candidates to be elected from each zone, and the name of each candidate shall be placed under the name of the zone in which each candidate is standing for election.

The counties referred to in this sub-rule are as defined in accordance with the NSW lands administrative divisions.

(ii) (A) The Divisional Branch Council of the Queensland Northern Territory Divisional Branch shall consist of the following:

(i) the Divisional Branch President;
(ii) two (2) Divisional Branch Senior Vice-Presidents;
(iii) two (2) Divisional Branch Vice-Presidents;
(iv) the Divisional Branch Secretary;
(v) the Divisional Branch Assistant Secretaries;
(vi) two (2) Divisional Branch Executive Members;
(vii) on and from the Divisional Branch elections scheduled for 2024, one (1) member on the Divisional Branch Council who shall be a woman;
(viii) 12 members on the Divisional Branch Council who shall be elected by and from the three sub-groups as follows:

(a) eight (8) Divisional Branch Council members who shall be elected by, and from, the members who reside in South East Queensland;

(b) three (3) Divisional Branch Council Members who shall be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these Divisional Branch Council members will be elected from the members who reside in North Queensland,

(c) one (1) Divisional Branch Council Member who shall be elected by, and from, the members who reside in the Northern Territory, subject to the:

1. number of Divisional Branch Council member/s elected:

a. under paragraph (viii)(a) being reduced by one (1) if the Divisional Branch President resides in South East Queensland;

b. under paragraph (viii)(b) being reduced by one (1) if the Divisional Branch President resides in Regional Queensland;

c. under paragraph (viii)(c) being reduced by one (1) if the Divisional Branch President resides in the Northern Territory;

2. number of Divisional Branch Council member/s elected:

   a. under paragraph (viii)(a) being reduced by one (1) or more if one (1) or more of the Divisional Branch Senior Vice Presidents resides in South East Queensland;

   b. under paragraph (viii)(b) being reduced by one (1) or more if one (1) or more of the Divisional Branch Senior Vice Presidents resides in Regional Queensland; and/or

   c. under paragraph (viii)(c) being reduced by one (1) if a Divisional Branch Senior Vice President resides in the Northern Territory;

3. number of Divisional Branch Council member/s elected:

   a. under paragraph (viii)(a) being reduced by one (1) or more if one (1) or more of the Divisional Branch Executive Members resides in South East Queensland;

   b. under paragraph (viii)(b) being reduced by one (1) or more if one (1) or more of the Divisional Branch Executive Members resides in Regional Queensland; and/or

   c. under paragraph (viii)(c) being reduced by one (1) or more if a Divisional Branch Executive Member resides in the Northern Territory;

(B) The Divisional Branch Secretary, the Divisional Branch Assistant Secretaries, the Divisional Branch President, the Divisional Branch Senior Vice-Presidents and the Divisional Branch Council member elected under paragraph (vii) above shall, subject to this sub-rule, be elected by and from Members of the QNTDB, who are eligible to nominate and vote in accordance with these Rules.

(C) The Divisional Branch Council may, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine whether the office of Divisional Branch President is to be held on an honorary or full-time basis following the quadrennial election.

(D) The Divisional Branch Senior Vice Presidents and the Divisional Branch Executive Members shall, subject to this sub-rule, be elected by and from members of the QNTDB, who are eligible to nominate and vote in accordance with these rules.

(E) The Divisional Branch Assistant Secretary (Painters) (if any) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, the members of the QNTDB, who are eligible for membership under National Rule 2(A)(b) and entitled to vote.

(F) The Divisional Branch Assistant Secretary (Plasterers) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, the members of the QNTDB, who are eligible for membership under National Rule 2(A)(a)(ii) and entitled to vote.

(G) The Divisional Branch Assistant Secretaries (General) shall, subject to a candidate for the office being entitled to nominate under these Divisional rules, be elected by, and from, all members of the QNTDB, who are entitled to vote.

(H) The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Divisional Branch Rules, determine the number of Divisional Branch Assistant Secretaries to be elected.

(I) The Divisional Branch Council shall, not less than three (3) months prior to the opening of nominations as prescribed in Rule 38 of these Rules, determine which (if any) of the Divisional Branch Assistant Secretaries are to be honorary.

(J) The Divisional Branch Council will, at its first meeting held following a quadrennial election, elect from its members two (2) Divisional Branch Vice-Presidents and:

(i) the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9; and

(ii) Divisional Branch Vice-Presidents will not, apart from holding the office of Divisional Branch Council Member, hold any other office in the QNTDB.

(K) Despite sub-rule (I):

(i) the Divisional Branch Council may determine that a full time office of Divisional Branch Assistant Secretary will, with the consent of the incumbent in that office, revert to an honorary office; and

(ii) where a casual vacancy arises in an office of Divisional Branch Assistant Secretary, the Divisional Branch Executive may, prior to filling the vacancy pursuant to these Rules, resolve whether the office will be abolished or whether it is to be filled on an honorary or full-time basis.

(L) Despite sub-rule (C):

(i) the Divisional Branch Council may determine that a full time office of Divisional Branch President will, with the consent of the incumbent in that office, revert to an honorary office; and

(ii) where a casual vacancy arises in an office of Divisional Branch President, the Divisional Branch Executive may, prior to filling the vacancy pursuant to these Rules, resolve whether the office is to be filled on an honorary or full-time basis.

(M) For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(a) Shire of Carpentaria;

(b) Tablelands Region;

(c) City of Townsville;

(d) Shire of Hinchinbrook;

(e) Cassowary Coast Region;

(f) Shire of Yarrabah;

(g) Cairns Region;

(h) Shire of Wujal Wujal;

(i) Shire of Hope Vale;

(j) Shire of Cook;

(k) Shire of Lockhart River;

(l) Shire of Kowanyama;

(m) Shire of Pompuraaw;

(n) Shire of Aurukun;

(o) Napranum Shire;

(p) Shire of Mapoon;

(q) Northern Peninsula Area Region;

(r) Palm Island Regional Council;

(s) Torres Strait & Torres Strait Regional Council;

(t) Shire of Mareeba; and

(u) Shire of Douglas.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;

(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Noosa;

(h) Redland;

(i) Scenic Rim;

(j) Somerset; and

(k) Sunshine Coast.

(iii) For the Divisional Branch elections scheduled for 2024 and onwards, in the Australian Capital Territory the Divisional Branch Council shall consist of the 17 members of the Divisional Branch Management Committee and nine (9) councillors elected from the membership of the Branch.

(iv) In Western Australia the Divisional Branch Council shall consist of the Divisional Branch Management Committee together with a further 20 delegates elected from the whole of Western Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

(v) (a) For the Divisional Branch elections scheduled for 2024 and onwards, the members of the Divisional Branch Council of the Victoria-Tasmania Divisional Branch shall consist of the members of the Divisional Branch Management Committee, and one Zone Delegate for each of the zones identified in (b) below.

Note: This sub-rule is affected by the operation of Schedule 1.

(b) The zones shall be as follows:

Zone	Member's Residential Postcode
Metropolitan Melbourne	3000 - 3210 Inclusive
	3335 - 3341 "
	3425 - 3443 "
	3750 - 3811 "
	3910 - 3920 "
	3926 - 3944 "
	3972 - 3978 "
	3980 - 3983 "
	8002 - 8009 Inclusive
Geelong	3211 - 3289 Inclusive
	3292 - 3316 "
	3320 - 3334 "
Central Victoria	3290 - 3291 Inclusive
	3317 - 3319 "
	3342 - 3424 "
	3444 - 3463 "
	3464 - 3599 "
Northern Victoria	3338
	3600 - 3749 Inclusive
LaTrobe	3812 - 3909 Inclusive
	3921 - 3925 "
	3945 - 3971 "
	3979
	3984 - 3999 Inclusive

(vi) In South Australia the Divisional Branch Council shall consist of the Divisional Branch Committee of Management together with an equal number of delegates elected from the whole of South Australia. In determining the composition of these delegates, regard shall be had to the principle of proportional representation.

Note: This sub-rule is affected by the operation of Schedule 1.

(3) Divisional Branch Council shall commence not later than the fourth Monday in September and continue on daily until the business before Divisional Branch Council is finished.

(4) Divisional Branch Council shall be the highest deliberative body of the Divisional Branch and shall have the power, subject to these Rules, to:

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Branch and to raise or spend such funds as are necessary to carry out the objects.

(b) Direct the policy of the Divisional Branch.

(c) Divide the Divisional Branch into zones or districts in accordance with the Rule for the purpose of better organisation.

(d) Subject to rule 16, amend or add to the Rules.

(e) Hear and determine all appeals that are submitted in accordance with the Rules.

(f) Fix salaries of all full-time Divisional Branch offices and allowances for delegates or persons appointed by the Divisional Branch to do any work on behalf of the Divisional Branch.

(g) Returning Officer:

(i) At its first meeting after the election or appointment of the Divisional Branch Council shall appoint a Returning Officer and a Deputy Returning Officer, who shall act in the absence of the Returning Officer, for the conduct of any elections or appointments as may be necessary throughout the ensuing four year period provided that a duly appointed Returning Officer shall hold office until a successor thereto is duly appointed. The Returning Officer shall have absolute control of any election or appointment.

(ii) The Returning Officer so appointed:

(a) May or may not be a member of the Union; and

(b) Shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $20 provided that in no circumstances shall any levy or levies amounting to more than $20 in any half year be imposed on any member or members.

(l) Subject to Rule 15 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Management Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers under provisions of the Rules.

(s) Appoint Temporary Organisers under provisions of the Rules.

(t) Overrule any decision of the Divisional Branch Management Committee.

(5) Appoint two (2) scrutineers and the quota for the Divisional Branch of delegates to Trades and Labor Council or Trades Hall Council in each State and/or Territory.

(a) Any member of the Divisional Branch who is financial shall be eligible to make application to be appointed as a scrutineer or as a delegate under this sub-rule.

(b) Applications shall be in writing signed by the applicant and endorsed by two financial members.

(c) Applications shall be called one month before such appointments, notice of which shall appear in the journal of the Divisional Branch or at least one daily newspaper circulating in the Divisional Branch area.

(6) All deliberations of Divisional Branch Council shall be submitted to members at special summons meetings called for the purpose.

41 – MEETING OF DIVISIONAL BRANCH COUNCIL

(a) The Divisional Branch Council shall meet at least biennially, a majority of members to form a quorum, the agenda of such Divisional Branch Council to be in the hands of delegates at least 14 days prior to Divisional Branch Council. Special Divisional Branch Council may be convened by the Divisional Branch Management Committee at any time provided that each delegate of Divisional Branch Council is given seven days' notice in writing prior to such meeting.

Meetings of the Divisional Branch Council shall be held at such time and place as shall be decided by the Divisional Branch Management Committee in terms of these rules.

The Divisional Branch Secretary shall arrange for notices of the meeting to be given to each Divisional Branch Councillor by letter, telegram, or telex or by telephone or verbally, provided that in the latter instances, such is confirmed by letter or telegram or telex.

(b) Special meetings of the Divisional Branch Council shall be held if two thirds or more of the delegates of the Divisional Branch Council sign a petition calling for such a special Divisional Branch Council meeting.
Provided also that the Divisional Branch Management Committee may cause a postal ballot of Divisional Branch Council Delegates to be taken on matters of urgency and that the decision of such ballot shall have the same force as a decision of Divisional Branch Council.

42 – DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) (i) Without affecting the term of office of persons holding office as Divisional Branch Management Committee members immediately prior to the date of certification of this sub-rule, the Divisional Branch Management Committee of the New South Wales Divisional Branch shall, on and from 2 January, 2013, or the declaration of the election in 2012, whichever is the later, consist of the Divisional Branch President, Divisional Branch Secretary, two Divisional Branch Assistant Secretaries and 26 other members elected by and from the members of the Divisional Branch.

No member shall hold any two of the above positions at any one time.

(ii) (A) In the QNTDB there shall be a Divisional Branch Executive which shall consist of the following:

A. the Divisional Branch President;

B. two (2) Divisional Branch Senior Vice-Presidents;

C. two (2) Divisional Branch Vice-Presidents;

D. Divisional Branch Secretary;

E. Divisional Branch Assistant Secretaries; and

F. two (2) Divisional Branch Executive Members.

(B) Any reference in these rules or any rules of the union to the Divisional Branch Management Committee shall in the case of the Queensland Northern Territory Divisional Branch be taken so far as the context allows to be a reference to the Queensland Northern Territory Divisional Branch Executive established in accordance with this sub-rule.

(iii) For the Divisional Branch elections scheduled for 2024 and onwards, in the Australian Capital Territory the Divisional Branch Management Committee shall consist of the Divisional Branch President (which position shall be honorary), two (2) Divisional Branch Vice-Presidents (which positions shall be honorary), the Divisional Branch Secretary/Treasurer, the Divisional Branch Assistant Secretary, eleven (11) other members and one (1) additional member who must be a woman.

(iv) In Western Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, the Divisional Branch Senior Vice President, the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, three (3) Divisional Branch Trustees and five (5) Divisional Branch Management Committee members.

(v) The members of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(b) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

Note: This sub-rule is affected by the operation of Schedule 1.

(vi) In South Australia the Divisional Branch Management Committee shall consist of the Divisional Branch President, (which position shall be honorary), the Divisional Branch Vice President, the Divisional Branch Secretary, the Divisional Branch Assistant Secretary, the Divisional Branch Treasurer, two (2) Divisional Branch Trustees, five (5) Divisional Branch Management Committee members and two (2) Organisers. The balance between full time officials, (excluding the Divisional Branch Secretary), and rank and file members on the Divisional Branch Management Committee shall approximate one third (1/3rd) paid officials to two thirds (2/3rd) non paid members.

Note: This sub-rule is affected by the operation of Schedule 1.

(b) A quorum for any meeting shall be a majority of the members of the Divisional Branch Management Committee who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Divisional Branch Management Committee, whichever is the lesser.

(c) The Divisional Branch Management Committee shall meet at least once each month and, subject to a review of their actions by the Divisional Branch Council shall have the care, control, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch and shall have all the powers of the Divisional Branch Council including, without limiting, the power, subject to rule 16 hereof, to amend or add to the rules.

Meetings of the Divisional Branch Management Committee shall be held at such time and place as shall be decided by the Divisional Branch Secretary and the Divisional Branch President, subject to the provisions of these rules.

The Divisional Branch Secretary shall arrange for notice of meetings to be given to each Divisional Branch Management Committee member by letter or any electronic means or telephone or verbally, provided that in the latter two instances, such is confirmed by letter, facsimile or electronic means.

(d) The Committee shall carry out any duties which they have been directed to perform by the Divisional Branch Council under Rule 13.

(e) They shall be responsible for the control and supervision of all officers. They may delegate this responsibility in respect to nominated classes of officers to the Divisional Branch Secretary for the exercise of this responsibility on a daily basis in between meetings of the Divisional Branch Management Committee on a temporary or ongoing basis and upon any terms or conditions they see fit; provided that such delegation may be revoked at any time by a subsequent meeting of the Divisional Branch Management Committee. They shall also deal with the proposed Divisional Branch Council Agenda prepared by the Divisional Branch Secretary.

(f) They shall deal with applications for membership, claims for Tool and Funeral Benefit, also grants from Contingent Funds.

(g) They shall issue instructions for prosecution for recovery of arrears and fines of members if, after due consideration such prosecution is deemed warranted; also for breaches of legislation, Awards, agreements and all matters in connection with Worker's Compensation Act.

(h) They shall make provision for the registration of members for employment and issue instructions to the Divisional Branch Assistant Secretary for the supervision of the engagement of labour.

(j) They shall be responsible for convening and conducting general meetings of the members, as provided for in the Rules.

(k) They shall be responsible for the calling of any meetings necessary for the proper administration of the Divisional Branch, including meetings of members or stewards.

(l) (i) They may impose penalties, including fines not exceeding the sum of $100.00 on Divisional Branch Officers, councillors, members, committee persons or delegates representing the Divisional Branch for knowingly refusing to comply with the Rules, or the decisions of Divisional Branch Council or the Divisional Branch Management Committee, or knowingly refusing to carry out the policy of the Divisional Branch, provided that the Rules, decisions of Divisional Branch Council or Divisional Branch Management Committee are available to members in the minutes of the Divisional Branch Council or Divisional Branch Management Committee at the Divisional Branch Office.

(ii) They may suspend, expel or dismiss from office, divisional branch officers, divisional branch councillors, members, committee members or delegates representing the Divisional Branch for misappropriation of the funds of the Divisional Branch or for a substantial breach of the rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(m) Upon a petition being forwarded to the Divisional Branch Secretary, signed by 10% of the financial members, in respect of any district or any zone, except in the case of the Sydney zone where the petition must be signed by 5% of the financial members convene a special meeting of the membership, in that zone or trade district. The financial members, signing the petition must come from the zone or craft district for which a special meeting is being petitioned.

(n) They shall satisfy themselves as to the integrity of employers of juvenile labour based upon a report of job or shop stewards or full-time officials.

(o) They shall inform Apprenticeship Councils of the unsuitability of an employer to train apprentices.

(p) A special meeting of the Divisional Branch Management Committee may be called by the Divisional Branch President and shall be called by the Divisional Branch President if he is so requested by not less than 40% of the representatives on the Divisional Branch Management Committee.

(q) They shall from among themselves elect a Divisional Branch Vice President and Divisional Branch Trustees such Divisional Branch Vice Presidents and Divisional Branch Trustees shall be elected for a 4 year term of office (or otherwise in accordance with rule 38(b)). Any member of the Divisional Branch Management Committee may nominate themselves for any such position by notice in writing to the Returning Officer. In any election the procedure to be followed shall be, the necessary changes being made, the procedure for the election of Divisional Executive in accordance with Construction and General Divisional Rule 9 which shall occur at the first meeting of the Divisional Branch Management Committee after the assumption of office of that Committee following the general elections.

(r) The Divisional Branch Management Committee shall have the power to appoint temporary organisers whenever this is considered necessary. They shall not, by virtue only by their appointment as temporary organisers, be Officers of the Branch nor shall they, by virtue only by their appointment as temporary organisers, exercise any function of management, but shall act as directed by the Divisional Branch Secretary. Such appointments are subject to satisfactory performance of their allocated duties. Except where the context otherwise necessitates, the term 'organiser' where used in these Rules shall not include temporary organisers.

The Divisional Branch Management Committee may, with the consent of a state registered counterpart union and an officer or employee thereof, by resolution, appoint the said officer and/or employee, or any one of them, as an employee of the Divisional Branch, and for that purpose reach agreement with the said officer/employee and the said state registered counterpart union as to how much, if any, of the wages of the person/s so appointed shall be contributed by the Divisional Branch.

In such case such an appointee shall:-

(i) be an employee of the Divisional Branch if and only if, and only to the extent that they are performing functions that are necessarily and expressly functions of the Divisional Branch and not the state registered counterpart union;

(ii) during that period, be subject to the direction and control of the governing bodies of the Divisional Branch in accordance with these rules, but only when acting in that capacity, and

(iii) be entitled to those rights conferred on employees of a registered organisation by the Workplace Relations Act 1996 or any successor legislation thereto.

(s) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Divisional Branch unless the Divisional Branch Management Committee -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(t) The Divisional Branch Management Committee, on receipt of a petition signed by not less than 10% of the financial members of the Divisional Branch, shall convene a special Divisional Branch Council meeting or conduct a ballot of Divisional Branch Council in respect of any matter determined by the Divisional Branch Management Committee, to which members are objecting.

42A – DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA)

Note: This heading is affected by the operation of Schedule 1.

(i) The Victoria-Tasmania Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

(ii) The Divisional Branch Executive Committee shall meet at least fortnightly or as the need arises.

Note: This sub-rule is affected by the operation of Schedule 1.

(iii) The Divisional Branch Executive Committee shall have the care, control, superintendence, management and administration in all respect of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee and subject to a review of their actions by the Divisional Branch Management Committee.

42B – DIVISIONAL BRANCH SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA)

Note: This heading is affected by the operation of Schedule 1.

(a) There shall be a Tasmania Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch.

(b) The members of the Sub-Branch Management Committee of the Victoria-Tasmania Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania Divisional Branch who are residing or employed in the State of Tasmania.

(c) The Victoria-Tasmania Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania Divisional Branch.

(d) Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only.

Note: This rule is affected by the operation of Schedule 1.

Note: Schedule 1 contains a new rule 42C which has effect in accordance with Schedule 1.

43 – DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee and meetings convened by the Divisional Branch Council or Divisional Branch Management Committee.

(b) (i) The Divisional Branch President, during such term of office shall hold no other position within the Divisional Branch provided for in these Divisional Branch Rules. Provided however that the position of Divisional Branch delegate to Divisional Conference shall not be considered as a position within the Divisional Branch for the purpose of this sub-rule. Further provided that in the case of the NSW Divisional Branch, this sub-rule shall not prevent the Divisional Branch Management Committee from designating the Divisional Branch President as Acting Divisional Branch Secretary in accordance with Rule 47(b) herein, or the Divisional Branch President so designated from acting in that capacity.

(ii) In the New South Wales Divisional Branch and the Victoria-Tasmania Divisional Branch, the Divisional Branch President shall be employed in a full-time capacity.

Note: This sub-rule is affected by the operation of Schedule 1.

(c) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee, and by the Divisional Branch Secretary acting on their behalf.

(d) The Divisional Branch President shall conduct business in accordance with Rules laid down for his/her guidance. The Divisional Branch President shall not enter debate on any question except by leave of the Divisional Branch Management Committee, but shall endeavour to bring the business to a satisfactory conclusion. The Divisional Branch President shall have a casting vote only.

(e) The Divisional Branch President shall sign the minutes of proceedings of Divisional Branch Council, Divisional Branch Management Committee, or any meeting convened by the Divisional Branch Council or Divisional Branch Management Committee when same have been duly confirmed.

(f) The Divisional Branch President shall examine bank vouchers setting out bank balance, record of each banking transaction, countersign all orders of payment of any money authorised by the

Divisional Branch Council or Divisional Branch Management Committee which is in accordance with Rules.

(g) The Divisional Branch President shall cause to be entered in the minutes of the Divisional Branch Management Committee a record of all payments, monies received and banked and statement of cash in hand.

(h) The Divisional Branch President may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Council, Divisional Branch Management Committee or District Committees, and shall if so required submit a report in writing of the findings to the Divisional Branch Council and Divisional Branch Management Committee members.

(j) The Divisional Branch President shall be an ex-officio member of all Committees of the Divisional Branch.

(k) In the New South Wales Divisional Branch, in the absence of the Divisional Branch President the Divisional Branch Management Committee shall designate one of the Divisional Branch Assistant Secretaries as the Acting Divisional Branch President.

44 – DIVISIONAL BRANCH VICE PRESIDENT

(i) Except in the New South Wales Divisional Branch, the Victoria-Tasmania Divisional Branch, the Queensland and Northern Territory Divisional Branch and the ACT and Western Australian Divisional Branches the Divisional Branch Vice-President shall be elected by the Divisional Branch Management Committee from among its members and shall preside at meetings in the absence of the Divisional Branch President, and shall carry out the duties of the Divisional Branch President and such duties as may be required by resolution of the Divisional Branch Council or Divisional Branch Management Committee which are in accordance with these rules.

Note: This sub-rule is affected by the operation of Schedule 1.

(ii) Notwithstanding any contrary provisions in these rules, in the integrated South Australian Divisional Branch the Divisional Branch Vice-Presidents shall, commencing with the persons elected to that office as from 2 January, 1997, be elected by and from the members of the Divisional Branch.

Note: This sub-rule is affected by the operation of Schedule 1.

(iii) In Victoria-Tasmania the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

Note: This sub-rule is affected by the operation of Schedule 1.

45 – DIVISIONAL BRANCH TRUSTEES

(a) Except in the case of the South Australian Divisional Branch, the Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant

Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

Note: This sub-rule is affected by the operation of Schedule 1.

(b) In the South Australian Divisional Branch, there shall be two trustees elected by and from the membership of the Divisional Branch and such Trustees shall take up office on and from 2 January, 1997 and each four years thereafter (or in the event of a delay in the conduct of an election, in accordance with rule 38(b)). In the absence of either the Divisional Branch President or Divisional Branch Secretary or Divisional Branch Treasurer the Divisional Branch Assistant Secretary shall sign cheques for such sums as may be approved by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these rules. In the absence of more than one of the three first mentioned officers in the second sentence of this sub-rule, one or more of the Divisional Branch Trustees shall countersign such cheques with the remaining officer and/or the Divisional Branch Assistant Secretary.

The Divisional Branch Trustees shall assist the Divisional Branch Treasurer in carrying out his/her duties.

Note: This sub-rule is affected by the operation of Schedule 1.

(c) The funds of the Divisional Branch shall be banked in an account styled in the name of the Divisional Branch.

(d) The Divisional Branch Trustees shall have powers and immunities as conferred by statute on such Trustees.

46 – DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee and shall be employed in a full time capacity, and shall conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the carrying out of the decisions made by the Divisional Branch Council or Divisional Branch Management Committee.

(c) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Council or Divisional Branch Management Committee.

(d) The Divisional Branch Secretary shall cause to be prepared and forwarded to the Industrial Registrar, returns as required by law.

(e) The Divisional Branch Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Branch Office, together with a

statement of the assets and liabilities of the Divisional Branch Office for the financial year ending 31st December. Provided however that the financial year for the Divisional Branches shall, on and from 1 April 2017, and for each year thereafter, commence on and from 1 April each year and end on 31 March of each following year.

(f) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Council meeting; and shall attend meetings of the Divisional Branch Council, Divisional Branch Management Committee and other meetings called by the Divisional Branch Council or Divisional Branch Management Committee.

(g) The Divisional Branch Secretary shall be responsible for the production of Divisional Branch publications.

(h) The Divisional Branch Secretary shall be responsible for the itinerary of organisers duties.

(j) The Divisional Branch Secretary shall be an ex officio member of all committees of the Divisional Branch.

(k) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of his/her office.

Note: Schedule 1 contains a new rule 46(l) which has effect in accordance with Schedule 1.

47 – DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY

(a) The Divisional Branch Assistant Secretary/ies (if any) shall be under the control of the Divisional Branch Council and the Divisional Branch Management Committee, and shall work under the direction of the Divisional Branch Secretary. They shall attend all meetings of the Divisional Branch Council and the Divisional Branch Management Committee.

(b) The Divisional Branch Assistant Secretary/ies shall, in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary. Where there is more than one Assistant Secretary, the Divisional Branch Management Committee shall designate one of the Assistant Secretaries to perform the duties. Provided however that in the case of the NSW Divisional Branch, the Divisional Branch Management Committee shall designate from amongst the Divisional Branch President and the Divisional Branch Assistant Secretaries, the officer who shall fulfil the office and perform the duties of the Divisional Branch Secretary.

48 – (1) DUTIES OF ORGANISERS

(a) They shall be under the control and supervision of the Divisional Branch Management Committee and shall carry out their duties within the provisions of the Rules. Rule 11 does not apply to Organisers.

(b) They shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and District Secretaries, and carry out organisational work in any part of the State or Territory as directed by the Divisional Branch Management Committee.

(c) Nothing in this rule affects the right of an organiser elected, in accordance with the rules of the Divisional Branch, as a member of either the Divisional Branch Management Committee or the Divisional Branch Council.

(2) ATTENDANCE OF ORGANISERS ELECTED AT MEETINGS OF DIVISIONAL BRANCH COUNCIL AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

(a) An elected Organiser who is not otherwise a member of the Divisional Branch Management Committee shall attend any meeting of the Divisional Branch Management Committee when requested so to do by resolution of Divisional Branch Management Committee. An elected or temporary Organiser shall be allowed to attend a meeting of the Divisional Branch Management Committee if the Organiser desires so to do unless otherwise directed by the Divisional Branch Management Committee.

Such an Organiser may by permission of the Divisional Branch Management Committee speak on any matter before the meeting, but shall not move, second or vote on any question.

(b) Each elected Organiser who is not otherwise a member of the Divisional Branch Council shall attend the meetings of Divisional Branch Council when required so to do by resolution of Divisional Branch Management Committee, but shall not move, second or vote on any question.

48A – DUTIES OF DIVISIONAL BRANCH TREASURER

(a) In the South Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) obtain and receive such details of all moneys collected or received and banked by him/her as are necessary for the keeping of the books of accounts.

(ii) in conjunction with any two of the following - Divisional Branch Secretary, Divisional Branch Assistant Secretary, Divisional Branch Senior Vice-President or Divisional Branch President - sign all cheques and attend all meetings of the Divisional Branch Management Committee.

(iii) keep all necessary books of accounts and produce same for inspection at any time when called upon to do so by the Divisional Branch Committee of Management or auditors.

(iv) at each meeting of the Divisional Branch Committee of Management present a report of the Divisional Branch's financial transactions for the period since the immediately preceding meeting.

Note: This sub-rule is affected by the operation of Schedule 1.

(b) In the Western Australian Divisional Branch, the Divisional Branch Treasurer shall:

(i) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(ii) receive all moneys and pay them into the bank account of the Divisional Branch immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(iii) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(iv) submit a statement of his or her receipts and expenditure every three months to the members of the Divisional Branch attending a General Meeting;

(v) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on union business, exceeding twenty dollars ($20.00) except by cheque.

48B – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (VICTORIA-TASMANIA)

Note: This heading is affected by the operation of Schedule 1.

(1) This rule applies only in relation to the Victoria-Tasmania Divisional Branch.

Note: This sub-rule is affected by the operation of Schedule 1.

(2) The Divisional Branch Senior Vice-President shall preside at meetings of the Divisional Branch Council or Divisional Branch Management Committee, or meetings convened by either of these bodies, in the absence of the Divisional Branch President, and shall perform such other functions in relation to meetings, in the absence of the Divisional Branch President, as may otherwise be required of the Divisional Branch President.

(3) The Divisional Branch Senior Vice-President shall carry out such duties as may be assigned to him or her from time to time by the Divisional Branch Management Committee.

(4) The Divisional Branch Senior Vice-President shall carry out such other functions, and exercise such other powers as may be determined by the Divisional Branch Council from time to time.

(5) The Divisional Branch Senior Vice President shall be employed in a full-time capacity.

(6) The Divisional Branch Senior Vice-President shall be an ex-officio member of all Committees of the Divisional Branch.

48C - DELETED

48D – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (WESTERN AUSTRALIA)

Notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers, in the Western Australian Divisional Branch the duties of the Divisional Branch President shall, in his or her absence, be performed by the Divisional Branch Senior Vice President.

In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, the Divisional Branch Vice President shall perform the duties of the Divisional Branch President. In the simultaneous absence of the Divisional Branch President, Divisional Branch Senior Vice President and Divisional Branch Vice President, the Divisional Branch Management Committee may appoint a member to carry out the duties of the President.

48E – DELETED

48F – DIVISIONAL BRANCH SENIOR VICE-PRESIDENTS/DIVISIONAL BRANCH VICE-PRESIDENTS (QUEENSLAND)

(i) This rule applies only in relation to the QNTDB and notwithstanding the provisions of any other rule relating to the duties of Divisional Branch officers.

(ii) In the QNTDB there shall be two Divisional Branch Senior Vice-Presidents one of whom shall, in the absence of the Divisional Branch President, preside at meetings of, or convened by, the Divisional Branch Council or Divisional Branch Executive. The Divisional Branch Executive will determine, for the purposes of this sub-rule, which of the Divisional Senior Vice-Presidents is to so act.

(iii) The Divisional Branch Senior Vice-Presidents in the QNTDB shall have such other duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

(iv) The Divisional Branch Vice-Presidents in the QNTDB shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

49 – FULL TIME PAID OFFICERS

(a) A member who has been elected to any positions in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wage as shall be determined at a properly constituted meeting of the Divisional Branch Council; provided however, that the rate fixed shall not be less than the leading hand rate in the highest major Award for carpenters in the building industry.

(b) Full-time paid officers shall be under the control of the Divisional Branch Management Committee between Divisional Branch Council meetings and shall carry out all instructions of the Divisional Branch Council or Divisional Branch Management Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of his intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Council first being obtained.

(e) Should any elected full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Management Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Management Committee a medical certificate setting out that he/she has recovered and is capable to carry out the duties in accordance with the Rules.

50 – DUTIES OF MEMBERS OF DIVISIONAL BRANCH MANAGEMENT COMMITTEES

(i) The members of the Divisional Branch Management Committee shall attend meetings of the Divisional Branch Management Committee and of the Divisional Branch Council.

51 – REMOVAL OF OFFICERS AND COUNCILLORS (BRANCH AND DISTRICT)

(a) The position of any divisional branch officer or Divisional Branch Councillor or delegate to Divisional Conference shall become vacant upon:

(i) His/her becoming unfinancial;

(ii) His/her decease or becoming of unsound mind and body;

(iii) His/her resignation in writing addressed to the Divisional Branch Secretary.

(b) Any officer of a divisional branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the

Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(c) Any officer of Divisional Branch Council or District Committee member charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of rules. The officer or Divisional Branch Councillor or District Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in his defence, or if the officer prefers, may answer the charges in writing.

In case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to Divisional Branch Council as soon as it is conveniently possible from the date of decision. Rule 55 - Appeals of Members shall apply.

52 – DUTIES OF MEMBERS

(a) It shall be the duty of members to attend meetings and record their votes in all ballots and questions that are submitted to them by the authorised body in the Divisional Branch.

(b) They shall give written notice of change of address within fourteen (14) days. No unnotified change of address or classification shall give rise to any irregularity or liability in the union and the unions records as to the classification, class, industry, division, occupation, address or any other matter relevant to any right under these rules shall, insofar as such information has been provided by or to the member, shall be binding and conclusive as to its truth.

(c) They shall endeavour to improve the organisation and see that all Rules, including local or district registered working Rules are observed, and co-operate with officers and all Divisional Branch representatives accredited by the Divisional Branch Management Committee.

(d) Notwithstanding anything contained in these Rules, no member shall be required to do or omit to do any act, which would be a breach of the Industrial Relations Act, or the Award governing his calling.

53 – MISCONDUCT OF MEMBERS

(a) A member knowingly violating any registered Rule or By-Law of the Divisional Branch may be fined a sum not exceeding $100 by the District Committee. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine a sum not exceeding $100 expel or suspend from benefit for a period not exceeding six months for such offence.

(b) Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer may be fined a sum not exceeding $20 and should he persist the Presiding Officer shall have power to call on the members to expel that member from such meeting.

(c) It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding $20.00, suspend from benefit for a period not exceeding six months, any member from the Divisional Branch upon satisfactory proof being given that such member has knowingly refused to comply with decisions of the Divisional Branch Council or the Divisional Branch Management Committee.

(d) It shall be competent for the Divisional Branch Management Committee to expel any member for misappropriation of the fund of the Divisional Branch or for a substantial breach of the Rules of the Divisional Branch or for gross misbehaviour or gross neglect of duty.

(e) Charges under these Rules shall be made in writing within one (1) month of the discovery of the incident to which it refers, to the District Committee or the Divisional Branch Management Committee.

The members so charged shall be summoned to attend a meeting of Committee or Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be posted to the members last known place of abode not less than five (5) days, or in the case of a member whose last known place of abode is situated more than 100 miles from the place where the charge is to be heard, not less than ten (10) days, before the date of such meeting.

At the appointed time and place the charge shall be investigated either by the District Committee or Divisional Branch Management Committee, whether or not the member shall be in attendance.

The decision of the Committee or Management Committee shall be binding on the member, subject to right of appeal. A member charged shall be given a reasonable opportunity to be heard in their defence and may if the member desires answer the charges in writing.

Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with as the Divisional Branch Council or Divisional Branch Management Committee may decide.

54 – PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's annual account.

55 – APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union may make a written appeal to the District Committee for redress, who shall in the case of appeals on any matter that does not relate to the District management forward the appeal to the Divisional Branch Management Committee within one month.

(b) Any members dissatisfied with the decision of the District Committee may appeal to the Divisional Branch Management Committee within one month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Branch Council within one (1) month after the hearing of his case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Council shall review the evidence taken at the original hearing of the charge, whereupon the Divisional Management Committee or Divisional Branch Council may confirm, annul or modify the penalty.

Should the appellant desire to appear in person before the Divisional Branch Management Committee or Divisional Branch Council the appellant member shall be afforded the opportunity to do so.

56 – DISTRICT COMMITTEES

(a) District Committees shall be on a trade or zone basis as provided for in the rules.

Both Zone and Trade District Committees shall be regarded as District Committees and shall be established in accordance with the Rules for the purpose of carrying out organisational work and to co-operate with the Divisional Branch Council or Divisional Branch Management Committee in the administration of the Divisional Branch.

(b) The Divisional Branch Council may make such by-laws as it sees fit, not inconsistent with the rules of the Union, for the effective operation of Districts and District Committees including to the extent thought necessary the election of District Officers, their duties, the finances thereof and any other matter pertaining thereto.

57 – SHOP STEWARDS/JOB DELEGATES

Shop stewards/job delegates may be appointed by the Divisional Branch Management Committee or appointed by the members in such shop or job. They shall receive proper credentials from the Divisional Branch Management Committee.

(a) It shall be the duty of all shop stewards/job delegates to endeavour to enrol appropriate workers in their respective shops or jobs into the Union.

(b) They may receive contributions from members in such shops or jobs and issue a receipt from a receipt book provided by the Divisional Branch Management Committee.

(c) They shall be responsible for the payments of all monies received by them to the Divisional Branch fortnightly.

(d) They shall from time to time furnish written reports to the Divisional Branch Management Committee of the industrial conditions pertaining in such shop or job.

(e) Immediately on conclusion of his employment as a shop steward/job delegate shall return the receipt book to the Divisional Branch Assistant Secretary and obtain an acknowledgement of same.

Shop stewards/job delegates shall return the receipt book for audit twice each year in the months of January and July, or when so required by the Divisional Branch Management Committee to the Divisional Branch Assistant Secretary.

58 – VICTIMISATION

Should any District Secretary, Town Steward, Shop or Job Steward be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee shall take all necessary steps to see that his interests are protected.

59 – ALLOWANCES

The Divisional Branch Council may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 – TOOL BENEFIT

The Divisional Branch Council may establish a tool benefit for the compensation of members whose tools are lost by fire, theft or accident.

61 – FUNERAL BENEFIT

The Divisional Branch may pay out of its funds a funeral benefit to representatives of deceased members. The criteria for eligibility of the funeral benefit to be determined by the Divisional Branch Management Committee.

62 – CONTINGENT FUND

If the Divisional Branch establishes a Contingent Fund, it may be used for the payment of contributions of members who have been financial members for a period of 12 months, and whose payments have not been met due to unemployment, sickness or other reasonable cause.

63 – RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any District or Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

64 – STANDING ORDERS AND RULES OF DEBATE – GENERAL MEETINGS

(a) Order of Business:

1. Opening of meeting.
2. Reading and adoption of minutes of previous meeting.
3. Admission of new members.
4. Election of Officers.
5. Divisional Branch Management Committee minutes.
6. Adjourned business.
7. Reading of Correspondence.
8. Auditor's Report.
9. Report of delegates.
10. Secretary's Cash Account.
11. New business.

(b) The first member who attracts the attention of the Divisional Branch President shall have precedence in speaking.

(c) Members addressing the meeting shall direct their speech to the Presiding Officer and remain standing while so doing.

(d) No discussion shall be permitted unless there is a motion before the meeting. Any such motion shall be duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with the original motion.

(e) When a motion shall have been duly proposed and seconded, the Divisional Branch President shall proceed at once to take the votes thereon unless some member rises to oppose or to propose an amendment, but no amendment shall be in order unless notice is given to move the same before the proposer of the resolution has replied.

(f) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

(g) It shall be competent at any time during a debate for a member to move, without discussion, "That the question be now put," which, on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

(h) In the event of a number of amendments being proposed and discussed the Divisional Branch President shall put them to the vote in the following order: The first amendment shall be voted on, if carried it becomes the motion. If defeated, the original motion stands. The second amendment is then voted on, if carried it becomes the motion. If defeated, the motion stands, that is, the original motion or the first amendment, if carried.

All subsequent amendments shall be dealt with in this order. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the motion, and if carried, becomes a resolution of the meeting.

(i) No member shall be allowed to speak more than once on the motion, except strictly in explanation, excepting the mover of the original motion, who shall have the right of reply. The mover of the motion shall be allowed 10 minutes to move the motion and 5 minutes to reply. No other speaker shall occupy a longer period than 5 minutes.

The meeting may, however, grant an extension of time to any speaker. No further discussion shall take place nor shall questions be allowed after the mover has replied.

(j) A resolution may, during the meeting at which it was passed be recommitted on the affirmative vote of two-thirds of those present at such meeting. A resolution may be rescinded by the giving of one month's notice and a majority vote being cast at the meeting subsequent to the expiry of the month's notice.

(k) On any member rising to a point of order during discussion, the speaker shall sit down and such member on rising shall state the point of order when the Divisional Branch President shall rule thereon. Such ruling shall be final, provided that it is not disagreed with by a majority of those present.

(l) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

(m) The Divisional Branch President or Chairman for the time being may speak only on questions in which the interests of the office they represent are directly involved. In the event of the Divisional Branch President or Chairman desiring to speak on any question they shall vacate the chair.

(n) Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the Divisional Branch President shall forthwith call on the mover to reply, unless the meeting decides by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

(o) At any meeting of the Divisional Branch any member entitled to be present may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the Divisional Branch President. Such notice of motion shall take precedence in the order in which it stands in the minutes book in relation to other similar notices, unless otherwise ordered, and shall lapse if the member, or some member on their behalf, be not present when the order of the day for such notice is read.

No motion for the adjournment of the meeting shall be received while there is business before the Divisional Branch President.

MOVING DISSENT FROM CHAIRPERSON'S RULING

(p) Any member dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from."

The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner. The question is, "That the Chairperson's ruling be upheld." Those in favour of upholding the Chairperson's ruling, say "Aye." Those against the Chairperson's ruling being upheld, say "No."

The mover only shall speak to the motion, except the Chairperson, who may explain the reasons for the ruling given.

The Vice-Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

The Vice-Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairperson without discussion.

(q) This Rule shall apply only to general meetings of members of the Divisional Branch and shall not apply to Divisional Branch Council or Divisional Branch Committee of Management.

65 – INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary

66 – DELETED

67 – DIVISIONAL BRANCH COUNCILLORS

In addition to powers elsewhere provided in the Rules, a Divisional Branch Councillor shall have the powers of a shop steward and in respect of Country Councillors powers of a Town Steward.

68 – REFERENDA

(a) On receipt of a petition signed by not less than 1000 financial members of the Divisional Branch, Divisional Branch Council shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by Divisional Branch Council.

Such referendum shall take place within 2 months of the receipt of the petition.

The decision reached by majority of the actual votes recorded shall be binding on the Divisional Branch Council and the members of the Divisional Branch and on the Divisional Branch Management Committee.

(b) Divisional Branch Council may at any time, by its own motion, take a referendum of the whole of the financial members of the Union upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Council shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

69 – SPECIAL RULES

(iA) Queensland

(a) The Queensland Divisional Branch Management Committee shall convene at regular intervals no less often than each two years (but at earlier intervals should it be deemed necessary). A Divisional Branch Delegates Convention and consisting of delegates elected from Sub-Branches and jobs throughout the Divisional Branch and also comprised of members of the Divisional Branch Management Committee and full time officials of the Union.

(b) The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elect to attend such Convention, shall be determined by the Divisional Branch Management Committee from time to time.

(c) A member nominating as a delegate to the Divisional Branch Delegate Convention must be financial at the time nominations are called.

(d) Items for the Agenda for the Divisional Branch Delegate Convention shall be called for at least three (3) months before Convention assembles, and be in the hands of delegates to the Convention at least seven (7) days before Convention commences.

(e) The Divisional Branch Delegates Convention may only recommend to the Divisional Branch Management Committee proposals for Rule and Policy changes.

(iB) (a) The purpose of this rule is to provide for:

(i) the merger of the QNTDB with the QBLDB to constitute on commencement day, the QNTDB; and

(ii) the conduct of the first election for the offices of the QNTDB in the year 2016 ("the 2016 elections").

(b) This rule shall apply notwithstanding any other provision of these Divisional Rules.

(c) The provisions of this rule provide for the merger and shall take effect on, and from, either the 3rd January 2014 or the day after the General Manager of the Fair Work Commission certifies them, whichever is the later ("the commencement day").

(d) The QNTDB, and the members attached to it, shall comply with the provisions of this rule severally.

(e) On, and from, the commencement day, the QNTDB and the QBLDB shall be merged to form the Queensland-Northern Territory Divisional Branch.

(g) On commencement day the financial members of the QNTDB shall, despite rule 40(2)(ii)(C), be represented in the offices set out in column B by the persons holding the office set out in column A on the day immediately preceding the commencement day in respectively the QNTDB or the QBLDB:

A	B
Divisional Branch Secretary - QBLDB	Divisional Branch President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch President - QBLDB	Divisional Branch Senior Vice President Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Assistant Secretary - QBLDB	Divisional Branch Council Member and Divisional Branch Executive member QNTDB Divisional Branch
Divisional Branch Vice President - QBLDB	Divisional Branch Vice President and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Trustees - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Treasurer - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Guardian - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Executive Members - QBLDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch President - QNTDB	Divisional Branch Senior Vice President Divisional Branch Council Member and

	Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Vice-President - QNTDB	Divisional Branch Vice President (Construction Workers Divisional Branch) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Secretary - QNTDB	Divisional Branch Secretary Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Plasterers) - QNTDB	Divisional Branch Assistant Secretary (Plasterers) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (Painters) - QNTDB	Divisional Branch Assistant Secretary (Painters) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Assistant Secretary (General) - QNTDB	Divisional Branch Assistant Secretary (General) Divisional Branch Council Member and Divisional Branch Executive Member QNTDB Divisional Branch
Divisional Branch Executive Member - QNTDB	Divisional Branch Executive Member and Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (South East Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Regional Queensland) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch
Divisional Branch Council Member (Northern Territory) - QNTDB	Divisional Branch Council Member QNTDB Divisional Branch

and such persons as referred to in Column A herein shall, subject to these Divisional Rules, continue to hold the office in the merged Divisional Branch as described in Column B herein, until their successor takes office following the 2016 elections.

(h) The officers of the Divisional Branch Council of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Management Committee, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(i) The officers of the Divisional Branch Executive of the QNTDB are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the QNTDB Executive, shall be entitled to exercise collectively 73% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were, on the day preceding the commencement day, members of the QBLDB Executive and who are by operation of these rules, members of the QNTDB Divisional Branch Executive on and from commencement day, shall be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting.

(j) A member of the QNTDB, who becomes a member on, or following, the commencement day is liable to pay subscriptions and fees in accordance with these Divisional Rules.

(k) There shall be an inaugural meeting of the Divisional Branch Council of the QNTDB to be held within two (2) months of the commencement day.

(l) There shall be an inaugural meeting of the Divisional Branch Executive of the QNTDB to be held within one (1) month of the commencement day.

(m) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QBLDB contiguous with periods of financial membership with the QNTDB.

(n) Financiality for the purposes of these Divisional Rules is inclusive of the period of financial membership of the QCWDB contiguous with periods of financial membership with the QNTDB.

(o) At meetings of the Divisional Branch Council and Divisional Branch Executive of the QNTDB, quorum shall be as provided by rules 41(a) and 42(b) respectively provided however that for the purposes of quorum at least one (1) member must be a person who was a member of the QBLDB on the day immediately preceding amalgamation day and at least one (1) member must be a person who was a member of the QNTDB on the day immediately preceding amalgamation day.

(ii) Victoria-Tasmania - Divisional Branch Meetings

(a) Victoria-Tasmania Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 540 Elizabeth Street, Melbourne, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for at any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of twenty five (25) financial members.

(c) Not less than twenty five (25) financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch otherwise the meeting shall lapse.

(d) Notice of Divisional Branch meetings or of a special meeting of the Divisional Branch shall be given by advertisement in a daily paper at least two (2) days' prior to the time of meeting.

(e) Divisional Branch meetings shall not commence earlier than 5 pm nor continue later than 7 pm unless a motion to extend the time be agreed to by a majority of the members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch meetings shall have powers of recommendation to the Divisional Branch Management Committee.

Note: This sub-rule is affected by the operation of Schedule 1.

(iii) South Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the last Wednesday of each month or as the Divisional Branch Management Committee may from time to time determine. Meetings shall be held at 1/32 South Terrace, Adelaide, SA or at such places as may be decided by the Divisional Branch Management Committee.

(b) The Divisional Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch, not including members of the Divisional Branch Management Committee, shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Divisional Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Divisional Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Management Committee shall have regard to decisions of the Divisional Branch meetings of members and in circumstances where any decision of the Divisional Branch Management Committee is contrary to that of a general meeting of members, the matter shall be referred to the Divisional Branch Council for determination and any determination so made shall be binding upon all members of the Divisional Branch.

Note: This sub-rule is affected by the operation of Schedule 1.

(iv) Western Australia - Divisional Branch Meetings

(a) Divisional Branch meetings shall be held on the second Wednesday of each month and shall be held at the Union's office, or at such time and place as the Divisional Branch Management Committee may from time to time determine.

(b) The Divisional Branch Management Committee shall, where deemed necessary, have power to call a special meeting, for any time or at any place. The Divisional Branch President and Divisional Branch Secretary shall convene a special general meeting of the Divisional Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Divisional Branch shall constitute a quorum for any meeting of the Divisional Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Divisional Branch Meetings or of any special meeting of the Divisional Branch shall be given in the Divisional Branch journal and/or local newspaper at least two (2) days prior to the time of the meeting.

(e) Divisional Branch Meetings shall not commence earlier than 5.00pm nor continue later than 7.00pm unless a motion to extend the time can be agreed to by a majority of members present.

(f) The Divisional Branch Meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Divisional Branch Meetings shall have powers of recommendation to the Divisional Branch Management Committee.

Schedule 1 – Temporary Amalgamation of Victoria-Tasmania and South Australia Divisional Branches (2025 – 2029)

Operation of Scheme

1. This Schedule provide for the amalgamation of the Victoria-Tasmania Divisional Branch and the South Australia Divisional Branch.

2. The rules in this Schedule operate on and from 2 January 2025 or the declaration of the divisional elections scheduled to be held in 2024, whichever is later.

3. However, for the purpose of the Divisional Branch election scheduled for 2024, the offices to be elected are those prescribed by Rule 8 (Divisional Conference Delegates) and Rules 37, 38, 40, 42B and 42C (for officers of the Victoria-Tasmania-South Australia Divisional Branch) as amended by this Schedule;

4. To avoid doubt, for the purpose of the Divisional Branch election scheduled for 2024, the persons holding office as at the date the rule changes are certified by the Fair Work Commission, including offices that are abolished as a result of these rule changes, will continue to hold those offices until 2 January 2025 or the declaration of the Divisional Branch elections in 2024, whichever is the later.

Amended Rules

5. In Rule 4, insert new sub-rule (viiA) as follows:

> (vii) Any person who, at the date this sub-rule takes effect, is a member of the Victoria-Tasmania Divisional Branch or the South Australia Branch shall be and become a member of the Victoria-Tasmania-South Australia Divisional Branch and shall have the same financial membership status within that Divisional Branch as they did within their former Divisional Branch at the time of their transfer. Any outstanding membership contributions owing to the Victoria-Tasmania Branch or the South Australia Divisional Branch as at the date this rule takes effect, shall become an amount owing to the Victoria-Tasmania-South Australian Divisional Branch. The period of membership of the Victoria-Tasmania-South Australia Divisional Branch is, for each person who becomes a member of the Victoria-Tasmania-South Australia Divisional Branch under this subrule, the same as that held by such members within the Victoria-Tasmania Divisional Branch of South Australia Divisional Branch, as the case may be.

6. In Rule 8(ii), in the fifth paragraph down, the words "The Divisional Branch Assistant Secretary of the South Australian Divisional Branch shall, by virtue of the holding of such office, be a member of the Divisional Conference." are deleted and replaced as follows:

> On and from 25 January 2025, or the declaration of the Divisional Branch elections scheduled to be held in 2024, whichever is the later, the South Australia Sub-Branch Secretary and the South Australia Sub-Branch President shall, by virtue of the holding of such office, be a member of the Divisional Conference.

7. In Rule 8(iii), the existing sub-rule is retained and the following new paragraph is added immediately after the existing words:

> In the case of the Victoria-Tasmania-South Australia Branch, the calculation will be performed separately for members who would, but for the amalgamation provided

for in this Schedule 1, be members of the South Australia Branch and members who would, but for the amalgamation provided for in this Schedule 1, be members of the Victoria-Tasmania Branch. The number of delegates that the Victoria-Tasmania-South Australia Branch is entitled to elect will be the combined total of these calculations.

Only members who would, but for the amalgamation provided for in this Schedule 1, be members of the South Australia Branch will be entitled to vote for any delegates to which the Victoria-Tasmania-South Australia Branch is entitled by reason of the calculation performed in respect of members who would, but for the amalgamation provided for in this Schedule 1, be members of the South Australia Branch.

Only members who would, but for the amalgamation provided for in this Schedule 1, be members of the Victoria-Tasmania Branch will be entitled to vote for any delegates to which the Victoria-Tasmania-South Australia Branch is entitled by reason of the calculation performed in respect of members who would, but for the amalgamation provided for in this Schedule 1, be members of the Victoria-Tasmania Branch.

To avoid doubt, the entitlements under this sub-rule are in addition to any entitlement the South Australia Sub-Branch Secretary and/or South Australia Sub-Branch President may have to be a member of the Divisional Conference by operation of 8(ii) above.

8. In Rule 8(iv), the existing sub-rule is retained, and a new paragraph is added after the third paragraph\, so that the sub-rule reads:

(iv) For the purpose of this rule the formula which shall apply to determine the number of members of a Divisional Branch shall be to divide the amount of Divisional Branch income referred to in Rule 14 (i) received each of the three years prior to the elections by the amount of the annual contribution for that year. Those amounts to be totalled then divided by three to obtain the average number of members on which the Divisional Branch is entitled to elect delegates.

Provided that where the Divisional Branch has not existed for three (3) years the divisor shall be twice the number of half years up to a maximum of six (6) that the Divisional Branch has existed and the Divisional Branch income referred to shall be for the corresponding period.

Further provided that where a Divisional Branch has been the subject of changes in its structure or membership by virtue of a restructuring in whole or part, or an amalgamation, which restructuring or amalgamation has occurred less than three years prior to the elections referred to in the first paragraph of this sub-rule, the Divisional Branch shall be treated, for the purposes of this sub-rule, as if it came into existence on the last such change in structure or amalgamation, and the calculation shall be made in accordance with the immediately preceding proviso.

Notwithstanding anything else in this sub-rule, in the case of the Victoria-Tasmania-South Australia Divisional Branch, the calculation shall be performed in accordance with paragraph 1 of this rule, as though the South Australia Divisional Branch and the Victoria-Tasmania Divisional Branch continued to exist as separate Divisional Branches.

The Divisional Secretary and the Divisional Assistant Secretary/s shall have the same voting and other rights as other delegates to the Conference.

The existing elected officers of the Divisional Executive shall remain in office until the election of their successors.

9. In Rule 8(vii), the words "Victoria-Tasmania Divisional Branch" are replaced with "Victoria-Tasmania-South Australia Divisional Branch" wherever they appear so that the sub-rule reads as follows:

(vii) Notwithstanding anything to the contrary in the preceding sub-rules, in the case of the Victoria-Tasmania-South Australia Divisional Branch the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries shall, by virtue of being elected or otherwise holding such offices, automatically be among the Victoria-Tasmania-South Australia Divisional Branch delegates to Divisional Conference. These ex-officio positions shall occupy the first three of the allocated number of delegates for the Victoria-Tasmania-South Australia Divisional Branch calculated in accordance with sub-rule (iii) hereof.

10. In Rule 9.1A, the existing sub-rule is retained and the following words are added at the end of the first paragraph:

On and from 2 January 2025, or the declaration of the Divisional Branch elections scheduled to be held in 2024, whichever is the later, the South Australia Sub-Branch Secretary shall, by virtue of the holding of such office, be a member of the Divisional Executive.

11. In Rule 9, sub-rule 15(l)(iii), the existing sub-rule is retained and a new section is added so that the rule as amended reads:

(iii) Where a card vote is requested in accordance with (ii) above, each member of the Divisional Executive shall be entitled to exercise one vote provided however that any Divisional Branch Secretary shall be entitled to exercise additional ordinary votes based on the principle of one additional ordinary vote for each 2000 members or part thereof over and above the first 2000 members of the Divisional Branch from which the Divisional Branch Secretary derives.

Provided that, in the case of Victoria-Tasmania-South Australia Divisional Branch, the calculation shall be performed separately for members of the Division who reside or are employed in in South Australia, and members of the Division who reside or are employed in Victoria and Tasmania and:

(A) any additional ordinary votes which the Victoria-Tasmania-South Australia Divisional Branch Secretary is entitled to exercise by reason of the calculation performed in respect of members who reside or are employed in Victoria or Tasmania will be exercised by the Victoria-Tasmania-South Australia Divisional Branch Secretary; and

(B) any additional ordinary votes which the Victoria-Tasmania-South Australia Divisional Branch Secretary is entitled to exercise by reason of the calculation performed in respect of members who reside or are employed in South Australia will be exercised by the South Australia Sub-Branch Secretary who will not, for the purposes of this rule, be entitled to exercise the vote to which he would otherwise be entitled by operation of this rule.

12. In Rule 18, delete sub-rule (b) and replace as follows:

(b)

(i) Subject to rule (iii) below, from 2 January 2025 or the declaration of the divisional elections scheduled to be held in 2024, whichever is later, in Victoria, Tasmania and South Australia, the Divisional branch shall be known as the Construction and General Division, Victoria-Tasmania-South Australia Divisional Branch.

(ii) Further:

(A) In the State of Tasmania there shall be a sub-branch of the Victoria-Tasmania-South Australia Divisional Branch which will be known as the Construction and General Division, Victoria-Tasmania-South Australia Divisional Branch, Tasmania Sub-Branch; and

(B) In the State of South Australia there shall be a sub-branch of the Victoria-Tasmania-South Australia Divisional Branch which will be known as the Construction and General Division, Victoria-Tasmania-South Australia Divisional Branch, South Australia Sub-Branch.

(iii) From 2 January 2029 or the declaration of the divisional elections scheduled to be held in 2028, whichever is the later, the South Australia Divisional Branch shall be re-established as a separate Divisional branch unless the Divisional Executive determines otherwise.

(iv) The Construction and General Divisional Branch Secretary must do all things reasonably necessary to give effect to rule (iii) above including, if necessary, by doing all things reasonably necessary to amend these rules to give effect to the re-establishment of the South Australia Divisional Branch (unless the Divisional Executive has, pursuant to (iii) above, determined otherwise).

13. In Rule 28, sub-rule (b) is amended to delete the ", and", add the words "and South Australia" after the word "Victoria" and append "-South Australia" to the word "Tasmania", so that the sub-rule reads as follows:

(b) In Tasmania, Victoria and South Australia, "The Construction and General Division, Victoria-Tasmania-South Australia Divisional Branch".

14. In Rule 29, insert a new third para as follows:

Further provided that notwithstanding the provisions of any other rule, all persons who are members of or apply for membership of the Division, who are residing or employed in Victoria, Tasmania or South Australia shall, on and from the date of certification of this rule, be and remain members of the Victoria-Tasmania-South Australia Divisional Branch.

15. In Rule 30(i)(b), add the following paragraph, after the first paragraph in sub-rule 30(b):

From 2 January 2025 or the declaration of the divisional elections scheduled to be held in 2024, whichever is later, the South Australia Sub-Branch Management Committee may deal with membership applications for prospective members who reside or are employed in the State of South Australia on behalf of the Victoria-Tasmania-South Australia Divisional Branch.

16. In Rule 30, sub-rule (iii) is amended to replace "Victoria-Tasmania" with "Victoria-Tasmania-South Australia" wherever it appears, including in the sub-heading. Sub-rule (iii)(a) is amended to add the words "who resides or works in either the State of Victoria or the State of Tasmania" after the words "each member". The amended sub-rule reads:

(iii) Victoria-Tasmania-South Australia Divisional Branch

(a) The record of members of the Victoria-Tasmania-South Australia Divisional Branch shall classify each member who resides or works in either the State of Victoria or the State of Tasmania into one or other of the following classifications:-

(i) carpenter;
(ii) labourer;
(iii) stonemason;
(iv) tilelayer;
(v) painter;
(vi) signwriter;
(vii) bricklayer
(viii) solid plasterer
(ix) roof-tiler
(xx) fibrous plasterer/fibrous plaster industry worker
(xxi) crane operations
(xxii) rigger/dogman
(xxiii) plant and machine operations
(xxiv) boiler attendant/engine driver
(xxv) production worker (metal)
(xxvi) concrete pump operations
(xxvii) forklift/hoist operations
(xxviii) driller
(xxix) other

which shall be known as the member's designated classification.

(b) A person applying for membership shall on the membership application form, state which one of the classifications set out in paragraph (a) the applicant for membership considers to be his or her appropriate classification.

(c) In dealing with applications for membership the Victoria-Tasmania-South Australia Divisional Branch Management Committee shall determine each new member's designated classification.

(d) The Victoria-Tasmania-South Australia Divisional Branch Management Committee may at any time change a member's designated classification provided that the Victoria-Tasmania-South Australia Divisional Branch Management Committee shall not change a member's designated classification unless -

(i) the Victoria-Tasmania-South Australia Divisional Branch Management Committee has received from the member a request in writing for a change to the member's designated classification setting out the reasons for the request; or

(ii) the member has been given a reasonable opportunity by the Victoria-Tasmania-South Australia Divisional Branch Management Committee to state in writing the reasons why he or she should retain his or her designated classification or have a different designated classification.

As soon as practicable after the Victoria-Tasmania-South Australia Divisional Branch Management Committee changes a member's designated classification in accordance with this paragraph the Victoria-Tasmania-South Australia Divisional Branch Management Committee shall cause the member to be notified in writing and alter the record of members of the Victoria-Tasmania-South Australia Divisional Branch accordingly.

(e) The Victoria-Tasmania-South Australia Divisional Branch Management Committee shall determine the designated classification of an applicant for membership in accordance with paragraph (d) or a change to an existing member's designated classification in accordance with paragraph (e) by reference to:-

(i) the trade or other qualifications held by the applicant for membership or existing member;

(ii) the award classification of the applicant for membership or existing member, or his or her last award classification; and

(iii) the work performed by the applicant for membership or existing member, or the last work performed by him or her.

(f) Where the Victoria-Tasmania-South Australia Divisional Branch Management Committee considers that it does not have sufficient information available to determine the designated classification of an applicant for membership or to change an existing member's designated classification it shall request that the member provide such further information as the Victoria-Tasmania-South Australia Divisional Branch Management Committee considers appropriate.

(g) The designated classification of each member determined in accordance with this sub-rule:

(i) shall be solely for the purpose of determining the eligibility of each member to nominate for election to any office within the Victoria-Tasmania-South Australia Divisional Branch where election to such office is dependent upon the member falling into one or other of the classifications set out in paragraph (a) hereof;

(ii) shall be conclusive; and

(iii) shall bind the Divisional Branch Returning Officer.

(h) For the purposes of determining length of membership of the Divisional Branch in rule 38(a) herein, previous financial

membership of the VSBTU (PIWD) shall, where such member has obtained a clearance from the VSBTU in accordance with rule 9 of the National Rules of the CFMEU, count as financial membership of the Victorian Building Unions Divisional Branch.

17. [Deleted]

18. In Rule 37(v), sub-rule (b) is deleted and replaced with the following:

(b) On and from 2 January 2025 or the declaration of the divisional branch election in 2024, whichever is later, the officers of the Victoria-Tasmania-South Australia Divisional Branch shall be the Divisional Branch President, a Divisional Branch Vice-President (which position shall be honorary), the Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, a Divisional Branch Senior Vice-President (which shall be a paid, full-time position), the members of the Divisional Branch Management Committee, the members of the Divisional Branch Tasmania Sub-Branch Management Committee referred to in Rule 42B herein the members of the Divisional Branch South Australia Sub-Branch Management Committee referred to in Rule 42C herein, Divisional Branch Delegates to Divisional Conference, and such number of Organisers as may be decided by the Divisional Branch Management Committee.

19. In Rule 37(vi), the sub-rule is deleted, and reads as follows:

(vi) Deleted.

20. In Rule 38, sub-rule (a)(v) is amended as follows:

(v) Except in the Divisional Branches in the Australian Capital Territory, Queensland, and Victoria-Tasmania-South Australia, a member who nominates for Organiser shall not be entitled to nominate for Divisional Branch Council or Divisional Branch Management Committee.

21. In Rule 38(dd), the sub-rule is amended to append "-South Australia" to the word "Tasmania" so that the sub-rule reads:

(dd) In the Victoria-Tasmania-South Australia Divisional Branch only, where a casual or extraordinary vacancy occurs in a Zone Delegate's position which has the effect of reducing the number of tradesperson or labourer delegates below the minimum number of tradesperson or labourer delegates for that zone, such vacancy shall be filled by a member with the same designated classification in accordance with sub-rule 30 (iii) as the Zone Delegate who previously held the position.

22. In Rule 40(2)(v)(a), the sub-rule is amended so that it reads:

(2) (v)(a) The members of the Divisional Branch Council of the Victoria-Tasmania-South Australia Divisional Branch shall consist of the members of the Divisional Branch Management Committee, the President and Secretary of the South Australian Sub-Branch Management Committee and one Zone Delegate elected for each of the zones identified in (b) below:

23. In Rule 40(2)(vi), the sub-rule is deleted, and reads as follows:

(vi) Deleted.

24. In Rule 42, sub-rule (a)(v) is amended append the words "-South Australia" to the word "Tasmania", so that the sub-rule reads:

(v) The members of the Divisional Branch Management Committee of the Victoria-Tasmania-South Australia Divisional Branch shall consist of the Divisional Branch President, Divisional Branch Secretary, two (2) Divisional Branch Assistant Secretaries, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Sub-Branch Secretary and Sub-Branch President referred to in Rule 42B(b) herein and 23 others consisting of 6 carpenters, 6 builders labourers, 2 painters/signwriters, 1 fibrous plasterer/fibrous plaster industry member, 6 others elected from the classifications of crane operations, rigger/dogman, plant and machine operators, boiler attendant/engine driver, production worker (metal), concrete pump operations, forklift operations, hoist operations and drilling/piling, and 2 other members elected from bricklayers, roof-tilers, stone masons, wall and floor tilers and solid plasterers, provided that at least one of whom shall be a bricklayer.

25. In Rule 42(a)(vi), the sub-rule is deleted, and reads as follows:

(vi) Deleted.

26. In Rule 42A, the heading and sub-rule (i) are amended as follows:

42A – DIVISIONAL BRANCH EXECUTIVE COMMITTEE (VICTORIA-TASMANIA-SOUTH AUSTRALIA)

(i) The Divisional Branch Executive Committee of the Victoria-Tasmania-South Australia Divisional Branch shall consist of the Divisional Branch President, the Divisional Branch Senior Vice-President, the Divisional Branch Vice-President, the Divisional Branch Secretary and the two Divisional Branch Assistant Secretaries.

27. In Rule 42B, sub-rules (a), (b), (c) and (d) are amended so that "-South Australia" is appended to the word "Tasmania" in each place "Tasmania" appears; so that the sub-rules reads:

42B – TASMANIA SUB-BRANCH MANAGEMENT COMMITTEE (VICTORIA-TASMANIA-SOUTH AUSTRALIA DIVISIONAL BRANCH)

(a) There shall be a Tasmania Sub-Branch Management Committee of the Victoria-Tasmania-South Australia Divisional Sub-Branch.

(b) The Tasmania Sub-Branch Management Committee of the Victoria-Tasmania-South Australia Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania-South Australia Divisional Branch who are residing or employed in the State of Tasmania.

(c) The Victoria-Tasmania-South Australia Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the

affairs, business and funds and property of the Victoria-Tasmania-South Australia Divisional Branch.

(d) Provided however that the Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of Tasmania only.

27A. New Rule 42C is inserted as follows:

42C – SOUTH AUSTRALIA SUB-BRANCH MANAGEMENT COMMITTEE

(a) On and from 2 January 2025 or the declaration of the divisional branch elections scheduled for 2024, whichever is the later, there shall be a South Australia Sub-Branch Management Committee of the Victoria-Tasmania-South Australia Divisional Branch.

(b) Members of the South Australia Sub-Branch Management Committee of the Victoria-Tasmania-South Australia Divisional Branch shall consist of the Sub-Branch Secretary, the Sub-Branch President and six (6) other persons all of whom shall be elected by and from members of the Victoria-Tasmania-South Australia Divisional Branch who are residing or employed in the State of South Australia.

(c) The Victoria-Tasmania-South Australia Divisional Branch Council and Divisional Branch Management Committee shall have the care, control superintendence, management and administration in all respects of the affairs, business and funds and property of the Victoria-Tasmania-South Australia Divisional Branch.

(d) The South Australia Sub-Branch Management Committee shall have the power to make recommendations to the Divisional Branch Council and Divisional Branch Management Committee in respect of the administration, or matters affecting the interests of, the Divisional Branch in the State of South Australia only.

(e) The Secretary of the South Australia Sub-Branch Management Committee shall have such duties and powers as are determined by the Victoria-Tasmania-South Australia Divisional Branch Management Committee from time to time, along with any duties delegated under Rule 46(l).

28. In rule 43(b), sub-rule (ii) is amended to append "-South Australia" to the word "Tasmania" so that the sub-rule reads:

(ii) In the New South Wales Divisional Branch and the Victoria-Tasmania-South Australia Divisional Branch, the Divisional Branch President shall be employed in a full-time capacity.

29. In rule 44, sub-rule (i) is deleted, so that the sub-rule reads:

(i) [Deleted].

30. In rule 44, sub-rule (ii) is deleted, so that the sub-rule reads:

(ii) [Deleted].

31. In rule 44, sub-rule (iii) is amended to append "-South Australia" to the word "Tasmania" in each place in which it appears so that the rules read:

(iii) In Victoria-Tasmania-South Australia the Divisional Branch Vice-Presidents shall have such duties and responsibilities as may be determined from time to time by the Divisional Branch Council or the Divisional Branch Management Committee.

32. In rule 45, sub-rule (a) is amended to delete the words "Except in the case of the South Australia Divisional Branch the" and insert in their place "The"; and sub-rule (b) is deleted, so that rule 45 reads:

(a) The Divisional Branch Management Committee shall elect from among themselves, three trustees. The election shall be conducted in accordance with Rule 42(q). Provided however that there shall be no trustees in the New South Wales Divisional Branch.

On a written authority signed by the Divisional Branch President and the Divisional Branch Secretary any two of the three Divisional Branch Trustees shall sign cheques for such sums as may be voted by the Divisional Branch Council or Divisional Branch Management Committee in accordance with these Rules. Such cheques to be counter signed by the designated Divisional Branch Assistant Secretary. The designated Divisional Branch Assistant Secretary will be determined by the State Management Committee or equivalent body.

In the New South Wales Divisional Branch either the Divisional Branch Secretary and the Divisional Branch President, or the Divisional Branch Secretary or the Divisional Branch President and such other person as is nominated by the Divisional Branch Management Committee from time to time, shall sign cheques for such sums as may be authorised in accordance with these rules. Provided however that the nomination referred to herein may be on such terms as determined by the Divisional Branch Management Committee and may be revoked at any time. Further provided that all expenditure of the Divisional Branch shall be placed before the Divisional Branch Management Committee for consideration and ratification.

(b) Deleted.

33. In rule 46, new sub-rule (l) is inserted as follows:

(l) The Divisional Branch Secretary of the Victoria-Tasmania-South Australia Divisional Branch shall have the power to delegate to the Secretary of the South Australia Sub-Branch Management Committee, some or all of the duties of the Divisional Branch Secretary in connection with, and only in connection with, members of the Victoria-Tasmania-South Australia Divisional Branch residing or working in South Australia. A delegation under this sub-rule may be revoked by the Divisional Branch Secretary of the Victoria-Tasmania-South Australia Divisional Branch at any time.

34. In rule 48A, sub-rule (a) is deleted, so that the sub-rule reads:

(a) [Deleted].

35. In rule 48B, the heading is amended to append "-SOUTH AUSTRALIA" to the word "TASMANIA" and in sub-rule 1 "-South Australia" is appended to the word "Tasmania" so that the heading and sub-rule 1 read as follows:

48B – DUTIES OF DIVISIONAL BRANCH SENIOR VICE-PRESIDENT (VICTORIA-TASMANIA-SOUTH AUSTRALIA)

(1) This rule applies only in relation to the Victoria-Tasmania-South Australia Divisional Branch.

…

36. In rule 48C, sub-rule (1) is amended to append "-South Australia" to the word "Tasmania" so that the sub-rule reads:

(1) This rule applies only in relation to the Victoria-Tasmania-South Australia Divisional Branch.

37. In rule 69, sub-rule (ii), "-South Australia" is appended to the word "Tasmania" in the sub-heading and in sub-rule (ii)(a), so that the heading and subrule (ii)(a) read:

(ii) Victoria-Tasmania-South Australia - Divisional Branch Meetings

(a) Victoria-Tasmania-South Australia Divisional Branch meetings shall be held on the first Thursday in each month or as the Divisional Branch Management Committee may from time to time determine. Meeting shall be held at 540 Elizabeth Street, Melbourne, or at such places as may be decided from time to time by the Divisional Branch Meeting or the Divisional Branch Management Committee.

38. In rule 69 sub-rule (iii), the sub-heading is amended so that "Divisional Branch" is deleted and replaced with "Sub-Branch". Sub-rules (iii)(a), (b), (c), (d), (e), (f) are amended so that "Divisional Branch" is replaced with "Sub-Branch" in each place in which it appears. Sub-rule (g) is deleted and replaced with "The Victoria-Tasmania-South Australia Divisional Branch Management Committee shall have regard to decisions of the Sub-Branch meetings of members".

(iii) South Australia - Sub-Branch Meetings

(a) Sub-Branch meetings shall be held on the last Wednesday of each month or as the Sub-Branch Management Committee may from time to time determine. Meetings shall be held at 1/32 South Terrace, Adelaide, SA or at such places as may be decided by the Sub-Branch Management Committee.

(b) The Sub-Branch Management Committee shall, when deemed necessary, have power to call a special meeting, for any time at any place. The Sub-Branch President and Sub-Branch Secretary shall convene a special general meeting of the Sub-Branch members at the written request of 25 financial members.

(c) Not less than ten financial members of the Sub-Branch, not including members of the Sub-Branch Management Committee,

shall constitute a quorum for any meeting of the Sub-Branch, otherwise the meeting shall lapse.

(d) Notice of any variations to the usual time or venue of Sub-Branch meetings or of any special meeting of the Sub-Branch shall be given in the Sub-Branch journal and/or local newspaper at least two (2) days prior to the time of the meetings.

(e) Sub-Branch meetings shall not commence earlier than 5.00pm nor continue later than 7.00 pm unless a motion to extend the time be agreed to by a majority of members present.

(f) The Sub-Branch meetings shall be conducted in accordance with the standing orders and rules of debate prescribed in these rules.

(g) The Victoria-Tasmania-South Australia Divisional Branch Management Committee shall have regard to decisions of the Sub-Branch meetings of members.

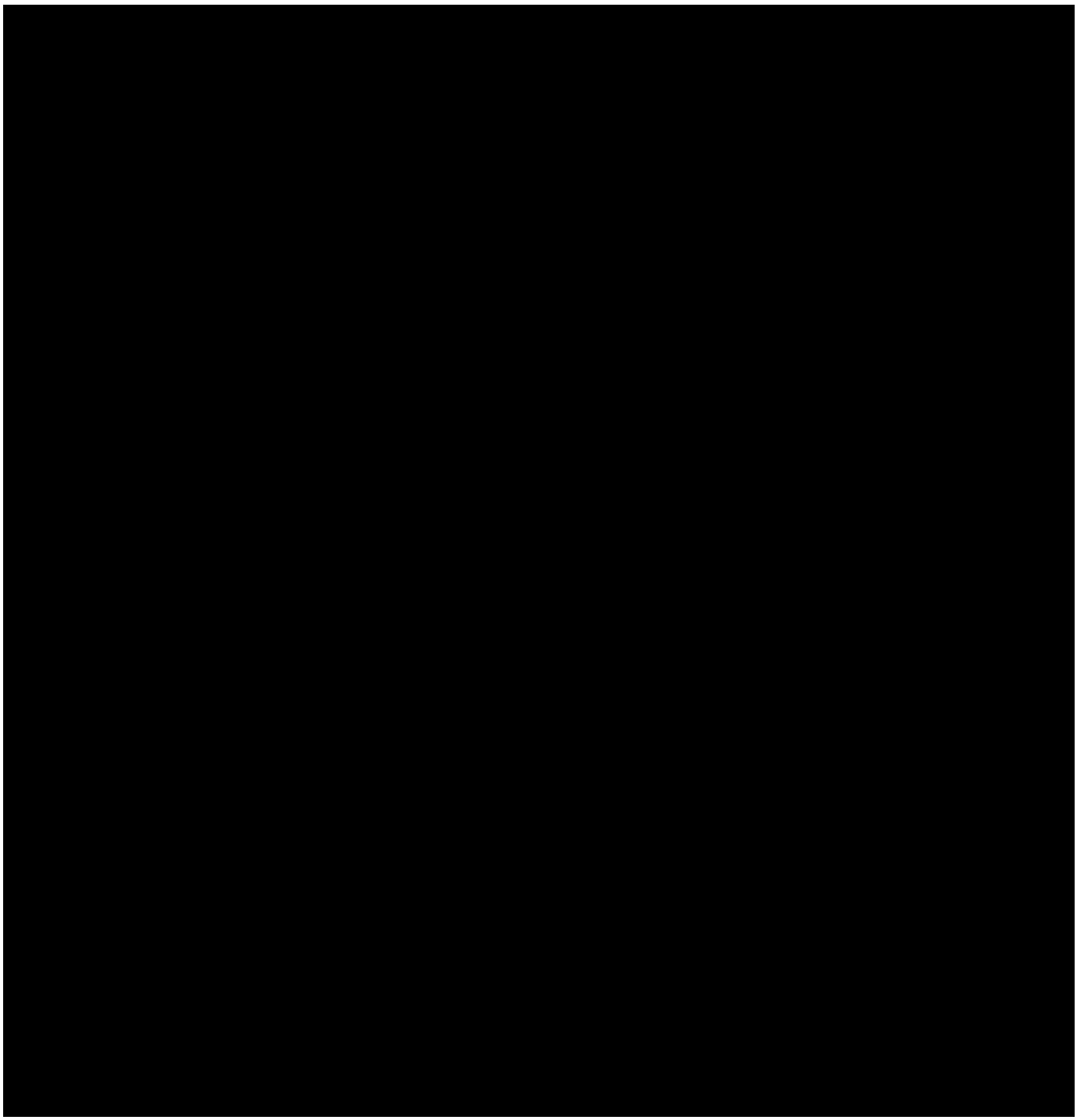
END OF RULES

Commission of Inquiry into the CFMEU and Misconduct in the Construction Industry

C. CFMEU Federal Rules

RULES BUNDLE
FINANCIAL MISCONDUCT CASE STUDY

16 JUNE 2026



ANNEXURE G

2 - CONSTITUTION

(A)(A)The Union shall consist of an unlimited number of persons whether male or female

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) **carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners** employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as

such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with

toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed

wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;

(b) engaged on press cement work;

(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;

(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and

also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed

wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;

(b) engaged on press cement work;

(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;

(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

trainees to or in any of the foregoing trades together with

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b)Without limiting the generality of any other subrule or paragraph or being limited thereby the Union shall consist of an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every

kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures,

compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

(l) persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connexion with the production or preparation of manufactured goods, plant, machinery, equipment, packages or containers for sale or purposes of distribution.

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation an d Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer

Plasterers Labourer

Concrete Finisher

Dump Cart Operator

Scaffolder

Powder Monkey

Foundation Shaftsman

Steel Fixer (including Tack Welder)

Assistant Powder Monkey

Demolition Worker

Gear Hand

Jackhammerman

Mixer Driver (Concrete)

Steel Erector

Aluminium Alloy Worker Structural Erectors

(whether prefabricated or otherwise)

Cement Gun Operator

Concrete Cutting and Sawing Machine Operator

Concrete Gang worker (including Concrete

Floater)

Roof Layer (Malthoid or similar material)

Underpinner

Concrete Formwork Stripper

Builders Labourer

Tackle Hand

Floor Sanding and/or Smoothing Machine

Operators

Leading Hand Labourer

Labourer on Refractory work

Labourer excavating ground for foundations

or basements of building or levelling

ground on a proposed building site

or doing concrete work, tar paving or

asphalt work or mortar or concrete mixing

in connection with or incidental to the

construction, repair, demolition or

removal of buildings

Rigger performing rigging work that is an

integral part of, or is incidental to, a

tradesman's work

Assistant Rigger assisting a rigger

specified in immediate preceding

classifications

Drilling Machine Operator except in the

mining or mineral exploration or

hydrocarbon industries

Provided that nothing in sub-rule (B)(1) or (2) shall render

eligible to join the union any person employed:-

(a) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(b) A drainer or person employed as a plumber's labourer;

(c) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(d) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(e) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) Without limiting the generality of the foregoing and without being limited thereby, persons eligible for membership of the union shall include any worker (other than metal, electrical or plumbing tradespersons) engaged on any work in or in connection with or incidental to the contruction, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building or structure or any other works or projects including but not limited to:-

(i) civil and/or mechanical engineering projects

(ii) power transmission. light, television, radio, communication, radar, navigation, observation towers or structures

(iii) powerhouses, chemical plants, hydrocarbons and/or oil treatment plants or refineries

(iv) silos

(v) sports and/or entertainment complexes, showgrounds

(vi) carparks, pavements, paved areas

(vii) roads, motorways, freeways, causeways, underpasses, overpasses

(viii)railways, tramways

(ix) bridges, drains, dams, weirs, channels, waterworks, tunnels, pipetracks, water and sewerage works, conduits, shafts, pipelines

(x) airport runways or taxiways, aerodromes.

Provided that nothing in sub-rule (B)(3) herein shall render eligible for membership any worker performing work in the State of Queensland.

Further provided that in the State of Western Australia nothing in sub-rule (B)(3) herein shall render eligible for membership any person eligible for membership of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union of Australia as at 28 January 2000.

Further provided nothing in sub-rule (B)(3) herein shall render eligible for membership of this union any person eligible for membership of the Australian Liquor, Hospitality and Miscellaneous Workers Union as at 24 July 1997, engaged in the provision of cleaning and/or security and/or gardening and/or property services (other than where related to the provision of building trades services) with respect to teh maintenance of any completed structure or project as referred to in (B)(3) herein.

Provided further that nothing in sub-rule (B)(3) herein shall render eligible for membership any person or persons eligible

for membership of APESMA as at 16 September, 1997. Further provided that for the purposes of this exclusion only, the reference to "professional capacity" in Rule 3.11 Professional Officers of the Rules of APESMA shall be taken to mean professional engineers, scientists, managers and other professional persons of the kind referred to in Rule 3 of APESMA's rules as at 16 September, 1997.

Nothing in this rule shall be taken or construed as restricting or limiting the eligibility rule of APESMA in any way.

Provided further that nothing in sub-rule (B)(3) herein shall render eligible for membership any person or person who are members, or are eligible for membership of the

Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Workers Union of Australia as at 24 July 1997, other than riggers in the State of Western Australia.

Further provided that nothing in sub-rule (B)(3) herein shall render eligible for membership any worker who is a member of or eligible for membership of the Transport Workers' Union as at 24 July 1997, other than persons eligible under sub-rule (F) of the rules of the TWU who are employed by a construction company and who are engaged on major gas related constuction projects including gas transmission pipelines. Provided further that persons eligible for membership of the TWU under sub-rule (F) of the rules of that union employed by a gas distribution company or a contractor engaged to perform work on the metropolitan mains distribution system within the city gate shall not be eligible for membership of the CFMEU pursuant to sub-rule (B)(3) herein.

Further provided that:

1. (a) Nothing in sub-rule (B)(3) shall render eligible for membership persons eligible for membership of the ASU as at 13th November 1998.

(b) For the purposes of sub-clause (a) above, the reference to business equipment in Rule 5 b Part V(a) of the rules of the ASU shall be taken to mean equipment of the kind referred to in the last sentence of that sub-rule.

2. Notwithstanding Clause 1 above, and subject to clause 4 below, employees of contractors referred to in Rule 5 B Part 1 i of the rules of the ASU, who are otherwise within the scope of this sub-rule (B)(3), shall be eligible for membership of the CFMEU pursuant to this sub-rule (B)(3) except where:

(a) such employees were, prior to the contracting out of services, employees of the relevant Councils, Authorities, Boards, Corporations, Commissions or Trusts or;

(b) such employees are employed by contractors who work predominantly for any of the relevant Councils, Authorities, Boards, Corporations, Commissions or Trusts, and are employed on any work for any of the relevant Councils, Authorities, Boards, Corporations, Commissions or Trusts; or

(c) such employees are employed by contractors who work predominantly for any of the relevant Councils, Authorities, Boards, Corporations, Commissions or Trusts.

3. Notwithstanding Clause 1 above, and subject to clause 4 below, employees of corporations referred to in Rule 5 Part 1 i of the rules of the ASU, who are otherwise within the scope of this sub-rule (B)(3), shall be eligible for membership of the CFMEU pursuant to this sub-rule (B)(3) except where such employees are employed by corporations which are appointed to carry out or appointed to be entrusted with the carrying out of works, operation or functions which were previously or usually performed by or on behalf of a Municipal or Shire Council or other Local Government Authority prior to their appointment.

4. Nothing in clause 2 or 3 of this rule shall operate to render ineligible for membership of the CFMEU employees engaged on new construction work in connection with services which have not passed to the relevant Council, Authority, Board, Corporation, Commission or Trust which on completion of such construction work is responsible for the provision and maintenance of those services.

(C) Without limiting the generality of the foregoing and without being limited thereby the:

(i) The Union shall also consist of all persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops,

furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) The Union shall also consist of an unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board,strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) The Union shall also consist of such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby the Union shall also consist of an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members.

(E) Without limiting the generality of the foregoing and without being limited thereby the Union shall consist of:-

(a) An unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river, and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the

Union or a branch of the Union or whilst financial members of the Union are elected as representatives of any working-class organisation to which the Union or a branch thereof is affiliated, or as a working-class member of Parliament.

Provided that mobile crane drivers, operators of fork lifts and/or tow motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or

motor truck drivers wherever employed, shall not be eligible for membership.

(b) Further, provided that, without limiting the generality of the foregoing the Union shall also consist of the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman

Hoist or Winch Driver

Gantry Hand or Crane Hand

Crane Chaser

Dogman/Crane Hand

Trainee Dogman/Crane Hand

Pile Driver

Pile Driver Assistant

Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations

Assistant Rigger

Drilling Machine Operator

Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connexion with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-

factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by Comalco Aluminium Limited in its operations at Weipa in the State of Queensland.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F)

above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd

Beconsfield Gold Mines Ltd

Mt Lyell Mining & Railway Co. Ltd

Pasminco Mining

Renison Ltd

Tasmania Mines Ltd

Western Mining Corporation

Adelaide Chemical Company

Boral Resources (SA) Pty Ltd

Penrice Soda Products Pty Ltd

Mt Gunson Mines Ltd

Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind

which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the Union shall consist of an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or

slate, and other persons engaged in the preparation and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer

Plasterers Labourer

Concrete Finisher

Dump Cart Operator

Scaffolder

Powder Monkey

Foundation Shaftsman

Steel Fixer (including Tack Welder)

Assistant Powder Monkey

Demolition Worker

Gear Hand

Jackhammerman

Mixer Driver (Concrete)

Steel Erector

Aluminium Alloy Worker Structural Erectors

(whether prefabricated or otherwise)

Cement Gun Operator

Concrete Cutting and Sawing Machine Operator

Concrete Gang worker (including Concrete

Floater)

Roof Layer (Malthoid or similar material)

Underpinner

Concrete Formwork Stripper

Builders Labourer

Tackle Hand

Floor Sanding and/or Smoothing Machine

Operators

Leading Hand Labourer

Labourer on Refractory work

Labourer excavating ground for foundations

or basements of building or levelling

ground on a proposed building site or

doing concrete work, tar paving or asphalt

work or mortar or concrete mixing in

connection with or incidental to the

construction, repair, demolition or

removal of buildings

Rigger performing rigging work that is an

integral part of, or is incidental to, a

tradesman's work

Assistant Rigger assisting a rigger

specified in immediate preceding

classifications

Drilling Machine Operator except in the

mining or mineral exploration or

hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into

existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler, generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman

Hoist or Winch Driver

Gantry Hand or Crane Hand

Crane Chaser

Dogman/Crane Hand

Pile Driver

Pile Driver Assistant

Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations

Assistant Rigger

Drilling Machine Operator

Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel

of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,

pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that

industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees

performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

** end of text **

[105N-FED: incorporates alterations of 19/7/2002 in matters R2002/37 and R2002/119]

I CERTIFY under section 207 of the Workplace Relations Act 1996 that the pages herein numbered 1 to 93 both inclusive contain a true and correct copy of the registered rules of Construction, Forestry, Mining and Energy Union

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

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1 - NAME

The name of the Union shall be the "Construction, Forestry, Mining and Energy Union".

2 - CONSTITUTION

(A)(A)The Union shall consist of an unlimited number of persons whether male or female

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in

paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;
(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union shall consist of an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

(l) persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connexion with the production or preparation of manufactured goods, plant, machinery, equipment, packages or containers for sale or purposes of distribution.

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker

Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due

south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the:

(i) The Union shall also consist of all persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) The Union shall also consist of an unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board,strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) The Union shall also consist of such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby the Union shall also consist of an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members.

(E) Without limiting the generality of the foregoing and without being limited thereby the Union shall consist of:-

(a) An unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river, and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Union or a branch of the Union or whilst financial members of the Union are elected as representatives of any working-class organisation to which the Union or a branch thereof is affiliated, or as a working-class member of Parliament.

Provided that mobile crane drivers, operators of fork lifts and/or tow motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

(b) Further, provided that, without limiting the generality of the foregoing the Union shall also consist of the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connexion with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and

employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, the Union shall consist of employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the Union shall consist of an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation

and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work

Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler,

generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery

and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees
performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

4 - OBJECTS

1. To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial and social legislation.

2. To regulate the conditions under which all members, of the Union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or association, or association of Trades Unions or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Branches, Divisions, Divisional Branches, Sub-Branches, Districts or Sections of the Union throughout the Commonwealth of Australia.

7. To further any scheme that has for its object the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labour and Trade Union newspapers and wireless broadcasting and television stations, and to invest in shares in such newspapers and radio and television stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide labour or Trade Union Organisation or Association.

10. To establish and manage a Union Journal or Journals.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

14. To render legal and other assistance to members for the recovery of wages or compensation for injuries, to protect the interests of the trade in all its Branches, and to assist other trades by any legal method.

15. To obtain such other objects as the National Conference or National Executive shall from time to time determine.

16. To organise the education of members.

17. To establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Divisional or Divisional Branches.

18. The advancement of members intellectually, morally and socially and to do all things which, in the opinion of the Union, is in the interest of members including donations to political parties, the achievement of compulsory unionism, preference in employment, retrenchment, promotion, demotion and transfer in employment, the production and distribution of newspapers, journals and the like.

19. To achieve such other objects as may be lawfully adopted by any Division of the Union.

20. To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

"UNION" shall mean this Union and shall include all its Divisions, Branches, Divisional Branches and/or any other section or part of the Union.

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"PROPORTIONAL REPRESENTATION" shall mean a system of representation at Committees, Conferences, Executives or the like which, as far as practicable, will provide for voting on a basis which

reflects the number or percentage of financial members, as calculated in accordance with these rules, that each person on such Committee, Conference, Executive or the like, represents.

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

> In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.
>
> If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast then that candidate shall be declared elected.
>
> If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.
>
> If a candidate has then an absolute majority of votes then that candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the vote preferences shall continue until one candidate has received an absolute majority of votes.
>
> In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.
>
> The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Mining and Energy Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Workplace Relations Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

(ii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Rules of the Union may require, and shall, when requested, fill in and sign such application form as may be provided.

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v)(a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of

application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

(vii) A member shall, when applying for membership be informed of the financial obligations arising from membership and the circumstances, and the manner, in which a member may resign from the organisation and shall be informed of such in writing.

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be

reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

(ii) Any member who has failed to pay the entrance fees, or contributions, levies and fines imposed in accordance with the rules of the union on or before the date specified in such rules, shall be deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant for admission or exercise any authority or any membership rights, provided that the rules may provide that some members or some class or classes of members may vote in a ballot and/or may differentiate between classes of members as to the amount of any contribution and/or entrance fee.

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.202 of the

Industrial Relations Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

(i) A member desiring to transfer to any other union covering their calling shall make application to the Divisional Branch Secretary, or where the rules of the union so provide, Divisional Sub-Branch, in writing, and shall pay all dues owing to the union, and the transfer will be forwarded to the Secretary of the union to which the member desires to transfer. Such member shall cease to be a member of this Union as from the date on which the transfer is forwarded to the Secretary of such other union.

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

(iii) A clearance shall not be granted to any member unless all moneys owing have first been paid.

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

A register of members and any other records of the Union required to be kept by the Industrial Relations Act and the Regulations made thereunder shall be kept at the registered office of the Union and so far as such records relate to a Division or Divisional Branch at the registered office of that Division or Divisional Branch.

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from

amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.
Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one

calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telegram or telex.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, telephonic, telegraphic, telex, verbal and/or written vote (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) The National Executive Committee shall consist of the National Principal Officers, being the National Secretary of the CFMEU, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Forestry, Furnishing, Building Products and Manufacturing Division, the General President of the Mining and Energy Division; together with the fulltime elected Officers of each Division who are fulltime at the National level and are not already one of the aforementioned National Principal Officers; two (2) Divisional Assistant Secretaries of the Forestry, Furnishing, Building Products and Manufacturing Division, one of whom shall be the Principal Officer of the Pulp and Paper Industry Sector and the other of whom shall be the Principal Officer of the Furnishing Industry Sector; and the Divisional President, and two (2) Divisional Assistant Secretaries of the Construction and General Division if not otherwise included.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive and National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six (6). A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a telegraphic, telex, facsimile, telephonic, email, written and/or postal vote of members of the National Executive or National Executive Committee at any time. Members of the National Executive or National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or telegram or telex or facsimile or email or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or email.

15 - NATIONAL EXECUTIVE

(i) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

(ii) The National officers shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

(iv) The National Executive shall, unless its actions are overturned by the National Conference, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds and property of the Union and shall have and may exercise no more and no less than all of the powers of the National Conference and, without limiting the generality of the foregoing may:

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Industrial Relations Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the

National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

* in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

16 - ELECTION OF NATIONAL OFFICERS

(i) The National Secretary, National Assistant Secretary and National President shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, for Divisions with more than one Divisional Branch, each Division shall be represented by at least one Officer.

Further provided that, for Division with more than one Divisional Branch, each Division shall hold at least one position of Joint Vice President as follows:

* Joint Vice President (Construction and General Division)
* Joint Vice President (FFPD Division)
* Joint Vice President (Mining & Energy Division)

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions by resolution from that Division's National Conference.

Further provided that there shall be a Principal Officer of the FFPD Division representing the former FFTS Division who shall be a National Senior Vice-President. Such officer shall be and remain a member of the National Executive and the National Executive Committee.

Further provided that the Construction & General Division Senior Vice-President (Builders Labourers) shall be a National Senior Vice-President and shall be and remain a member of the National Executive and National Executive Committee.

Further provided that the Construction & General Division Senior Vice-President (former National Secretary of the OPDU) shall be a National Senior Vice-President and shall be and remain a member of the National Executive and National Executive Committee.

All full-time officers of each Division, not otherwise elected to any of the foregoing positions, shall be and remain members of the National Executive Committee.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by post, letter, telegram, telephone, telex, facsimile and/or verbally as soon as the count is completed.

(ix) Provision to be made for the representatives of Divisions to cast votes proportionate to the membership of the respective Division in any ballot for the election of National Officers.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(ii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iii) Except in the case of the Mining & Energy Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) Nominations for the position of Divisional Branch delegates of the Divisional Conference shall be called for by the Divisional Branch Returning Officer by notification in the union journal or in one daily newspaper circulating in the capital city in each Branch on or before the last day of August of every fourth (4th) year commencing as on and from the last day of August 1996.

Provided that such advertisement shall clearly indicate that the Divisional Executive and full time Divisional Officers are elected by and from members of the Divisional Conference, that the members of the Divisional Executive make up the National Conference and that National Officers are made up of the principal officers of each Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) Any member desiring to nominate for the position of Divisional Branch delegate to Divisional Conference shall apply either personally or in writing to the Divisional Branch Returning Officer for a nomination form. Such forms shall be signed by the candidate and by two financial members and forwarded by certified mail to the Divisional Branch Returning Officer or handed personally at the Divisional Branch office or, in the case of an election conducted by the Australian Electoral Commission, at the office nominated by it, and a receipt thereupon obtained.

Nominations shall be closed at 4pm on the last Friday of September 1996 or such other date as may be provided for in any Divisional Rules, and each four (4) years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on that date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) Officers of all Divisional Branches holding such office at the date of amalgamation shall remain in office until the general election of officers held in 1996 and shall be eligible to nominate in that election. In this paragraph officers of all Divisional Branches shall mean officers of branches of the amalgamating unions being the persons listed in the schedule hereto.

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a

candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall on a date which will enable the ballot paper to be posted not later than fourteen (14) clear days before the closing date of the ballot, send by either certified mail or prepaid ordinary mail to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by each Divisional Branch Secretary, and that envelope shall contain only the following documents:

(a) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(b) an empty unsealed pre-paid post envelope addressed to the Divisional Branch Returning Officer, c/- the numbered mail box referred to in this rule;

(c) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Branch Returning Officer may consider necessary;

(d) The candidates statement provided for in accordance with sub-rule (iii) (h) hereof.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed to have closed as at 30th September. Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the 30th September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Branch Returning Officer that they have paid all contributions, levies and fines prior to the 30th September shall be entitled to receive a ballot paper.

(r) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, the officer shall cause the lock to be changed.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

"Preferential Voting" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter gives as their first preference, and shall place the number 2, 3, 4 (and so on as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the preference for them. In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate. If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference. If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preference shall be the same as is above prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except Mining and Energy Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(ii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iii) The Divisional Officers at a national level shall be members of that Divisional Executive.

(iv) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

Any Officer may be removed from office by majority decision of the National Executive, provided that such officer shall not be dismissed from office unless found guilty, in accordance with the Rules of the

Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

Any officer so removed from office shall have the right of appeal to the National Conference. In the event of the appeal being upheld the National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

   National Executive shall:

   Determine the question to be submitted to the members and the form of the ballot paper.

   Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

   Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

   No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

   In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS

1. The following sets out the duties of the National Officers outlined herein. The National Secretary shall be a full time position. The wages and costs relating to the office of the full time officer shall be borne by the Union.

2. National President:

   The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

   The National President shall have a deliberative vote only.

   The National President shall perform all duties assigned to him/her by the National Conference or National Executive and shall be responsible with the National Secretary for the allocation of duties and responsibilities arising from decisions of the National Conference or the National Executive.

3. National Secretary:

   The National Secretary shall be responsible for the general correspondence of the Union, National finance, filing of documents, industrial returns and the carrying out of decisions made by National Conference or National Executive.

   The National Secretary shall have the power, subject to decisions of the National Executive and/or National Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the National Office and allocate duties and responsibilities within the National Office.

   The National Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the National Office, together with a statement of the assets and liabilities of the National Office for the year ending 31st December in each year.

   Such financial statement shall be presented to the National Executive for its approval and be published within the journal of the National Union.

   The National Secretary shall carry out such other functions as shall be determined from time to time by the National Conference or National Executive.

   The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretary:

   National Assistant Secretary shall perform all duties assigned to him/her by National Conference and National Executive. He/She shall attend all meetings of National Conference and National Executive.

5. Senior Vice-President:

   The Senior Vice-President shall assist the National President in the conduct of meetings and shall preside in the absence of the National President, and shall carry out such other duties as shall be determined from time to time by the National Conference or the National Executive.

6. Vice-President/s:

The Vice-Presidents shall assist the National President/s or Senior Vice-President/s in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

They shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

7. Members of National Executive and Delegates to National Conference:

Members of National Executive and delegates to National Conference shall attend meetings of those bodies when summoned so to do.

8. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

Provided that each Division/Divisional Branch is responsible to meet all costs associated with the operation of its Division/Divisional Branch, including all costs associated with the attendance and participation by their representatives at meetings, including National Conference, National Executive Committee unless decided otherwise by the National Executive Committee.

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank. No funds shall be drawn from the Bank except by cheque signed by two persons who are a National Secretary, National Assistant Secretary, National President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President or National Assistant Secretary. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name

of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

The Auditor shall, in the report, draw attention of the National Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Union.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

25 - ALTERATION OF RULES

(a) The rules of the Union, or any of them, may be altered, rescinded, varied or made by the National Conference and/or National Executive. Proposals for alterations of rules may be forwarded by Divisions, Branches or any member of the National Executive or delegate to the National Conference and shall be forwarded to members and/or delegates with the notice calling the National Conference or National Executive, as the case may be, or so soon thereafter as is practicable. Provided that National Conference or National Executive may, in session, alter rules of which previous notice has not been given.

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telegraphic, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Industrial Relations Act (Commonwealth) or the regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the Industrial Relations Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

These National Rules and all the rules of the Union, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisions, Branches, and Divisional Branches and all sections of the Union and on all members who now, or who may hereafter, belong to the Union until they are made or become null and void according to the law.

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each division shall have autonomy in relation to its funds and property.

(iv) Each Division shall have rules and have power to make, alter or rescind such rules, to be called Divisional Rules. Without limiting the generality of the foregoing paragraph, each Division shall have power to determine policy for that Division, not inconsistent with the rules and policy of the Union as decided by National Conference or National Executive.

(v) If there is any environmental matter that directly affects the employment of members of one Division only, then that Division whose members are so affected shall have the power to determine the policy of the Union on that matter.

(vi) Divisions shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland, New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.202 of the Industrial Relations Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of state unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or

National Assistant Secretary or any person authorised by a National Secretary or National President or National Assistant Secretary so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary or any person authorised by a Divisional Secretary or Divisional Assistant Secretary may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, Divisional Secretary or Divisional Assistant Secretary, or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests issued by a Divisional Secretary or Divisional Assistant Secretary or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National Assistant Secretary, National President, Divisional Secretary and/or Divisional Assistant Secretary shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 361 Kent Street, Sydney in the State of New South Wales, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

Where a Division ceases to exist and the Union continues, the property of that defunct Division shall be vested in the Division to which the members of the defunct Division are allocated.

Where the Union is dissolved the property of the Union shall be vested in the trustees of each existing Division at the time of dissolution for the benefit of the members thereof on the basis that each such Division will continue to hold its own property and funds and any property or funds not vested at the time of dissolution in a Division shall be divided between the existing Divisions on a basis proportionate to the membership of each such Division.

35 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members may be sued for in the name of the Union by the National Secretary or by the Divisional Secretary, or Divisional Branch Secretary to which the member is attached, or by any other person or body authorised by the rules of the Union including the rules of any Divisional Branch or the Rules of any Division.

36 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy shall be decided by a majority of the National Conference or National Executive and shall not exceed $50.00 and when so decided shall be binding on all members or sections of members as National Conference or National Executive may decide.

(iii) A Division or Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

(a) If the National Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a rule, to a vote of National Conference or National Executive at any time when it is inconvenient to call National Executive or National Conference together, the National Secretary may submit a resolution dealing with the matter to the delegates or members, by letter, facsimile, telegram, telephone, email, in writing, by computer link and/or by any other means of communication.

(b) A copy of such resolution shall, as soon as practicable thereafter, be sent to each Branch Secretary and each Divisional Secretary. The votes on such resolution shall be returnable to the National Secretary at such time as the National Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.

(c) Provided that where no record can be kept of the vote and/or decision, such a record shall be created and a copy of that record sent to each person entitled to vote or, in the case of computer linkages, the record is such that it can be viewed and/or copied by the person entitled to vote.

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

1. All motions shall be of an affirmative character and must be moved and seconded by delegates or members. Such motions become the property of Conference or Executive and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates or members present agree to an extension of time.

2. Unless a delegate or member rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

3. A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

4. A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

5. Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

6. All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chairperson's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

   If the votes are equal the question is resolved in the negative.

7. A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates or members present agree to an extension of time.

8. Right of Speaker: Any delegate desiring to speak shall rise and address the chairperson. If two or more delegates or members rise at the same time the chairperson shall call upon the one who, in the Chairperson's opinion, first rose. Provided that no delegates or members can speak more than once upon any question (which shall include the original motion and all amendments thereto) before Conference or Executive, except -

   (a) In reply as the mover of the original motion.
   (b) In explanation or correction of some matter during the debate.
   (c) Upon a point of order raised during the debate.
   (d) Upon a resolution being carried "that the delegate now be heard".

9. A delegate or member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by that delegate or member.

10. No more than two delegates or members shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

11. Any delegate or member speaking shall at once resume their seat -

   (a) If the chairperson rises to speak; or
   (b) If a point of order is raised.

   and shall not resume their speech until the point of order is decided.

12. No delegate or member may speak to any question after it has been put by the chairman or during the taking of the vote.

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of Conference.

CHAIRPERSON'S RULINGS

The chairperson's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by Conference or Executive. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the delegates or members present for Conference or Executive to suspend the order of business.

SITTING AS A COMMITTEE

Conference or Executive may at any time, by a resolution agreed to by a majority of delegates or members present, resolve itself into a committee of the whole. The rules governing the business of Conference or Executive shall be observed when in Committee.

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

The National Executive, the State Executive, a Divisional Executive or a Divisional Branch Management/Executive Committee may, in their absolute discretion, summon meetings of members over which they have authority and/or responsibility from time to time.

If such meeting is called notice shall be given in a union journal circulating in the area covering the members to which the meeting relates or in a mass circulation daily newspaper circulating in the area in which the meeting is to be held and such publication shall be issued at least fourteen days before the date of the meeting. The notice of such meeting shall specify the day, the date, the time and the place of such meeting.

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the Industrial Relations Act 1988, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, telex, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee, following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) Provided that the restructuring referred to above shall not affect the separate existence of the FFTS Union Division and untranslated FEDFA Divisional Branches for the time specified in this Transitional Rule.

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted
(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) (a) The restructuring referred to herein shall be effected by 1st April 1997. Except in the case of the FEDFA Victorian Branch which shall become the CFMEU, FEDFA Victorian Divisional Branch such restructuring may be effected at a time later than 23 September 1995 but shall be effected before 1 July 2001. Further provided that in relation to the FFTS Union Division it may have a separate existence for a period of up to eight years which period shall be shortened only with the agreement of the Divisional Executive of the FFTS Union Division and the eight (8) years shall commence on the date of effect of amalgamation of the FFTS and CFMEU. If no agreement has been reached by the dates set out herein then, notwithstanding any other rule of the Union, the National Executive shall determine the changes necessary to effect such restructuring, including any and all rule changes therefor. It is the current intention that the FFTS Union Division will be

restructured after a maximum of eight (8) years substantially into Forestry, Forest and Building Manufacturing Products Division.

(b) The alteration to sub-rule 42(xii) (a) which replaced the date 23 September 1999 with the date 1 July 2001 shall be taken to have effect retrospectively from 22 September 1999.

(c) In respect of the period of time between 22 September 1999 and the time on the Industrial Registrar's certification of this sub-rule, no action of the Union and its officers in relation to the FEDFA Victorian Divisional Branch nor any action of any member or members elected (or appointed) to be officers of that Branch shall be taken to have been invalid by reason only of the fact that the restructuring referred to in Rule 42 in relation to that Branch has not been effected before 23 September 1999. Any such actions which might otherwise be invalid are by this sub-rule adopted and ratified by the Union.

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions

Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - Divisional Restructuring (FEDFA)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps which steps may deal with one Division at a time, Divisional Branches within a Division and/or the Divisional Office of any particular Division.

2. In relation to the above, the FEDFA Division shall be restructured in steps which shall involve:

(a) The abolition of full-time Divisional Officers at a national level and the allocation of responsibility for the FEDFA Division between the Building Unions Division and the UMW Division;

(b) The allocation of full-time Divisional Officers of the FEDFA Division to the Building Unions Division and the UMW Division;

(c) The continued operation of the Divisional Branches of the FEDFA Division with the intent, over time, of the restructuring of said Divisional Branches in accordance with Rule 42, into the Building Unions/Construction and General Division, UMW/Mining & Energy Division and the ATAIU/Forestry Division;

(d) The payment of capitation fees by FEDFA Divisional Branches to a designated fund which shall be administered by the Divisional Secretary of the FEDFA Division or, if or when that Office is abolished by the former Divisional Secretary and the Divisional Secretaries of the Building Unions and/or Construction and General Division and the UMW and/or Mining and Energy Division.

(e) The continued meeting of the Division Executive of the FEDFA Division for so long as is necessary before the complete restructuring of the FEDFA Division is effected in accordance with Rule 42.

3. On and from 27 September 1993, in accordance with the above procedure, the current Divisional Secretary of the FEDFA Division shall be and become the Divisional President of the Building Unions Division and the current Divisional Assistant Secretary of the FEDFA Division shall be and become a Divisional General Vice-President of the UMW Division and upon translation in accordance with Rule 42 (iii), shall hold the corresponding offices in the Construction and General Division and the Mining & Energy Division respectively.

4. The current Divisional Secretary and Divisional Assistant Secretary of the FEDFA Division shall continue to hold those positions in the FEDFA Division on an honorary basis until such time as the FEDFA Division no longer meets on a national basis.

5. This Rule shall come into force after its adoption by the National Executive and agreement thereto by the FEDFA Divisional Executive, UMW Divisional Executive and Building Unions Divisional Executive and thereupon shall be registered with the Australian Industrial Registry and shall take effect upon registration, or 27 September 1993, whichever is the later.

6. Further to the above provisions, and notwithstanding any other rule of the Union to the contrary, during the process of restructuring, any Divisional Branch of the FEDFA Division may reach agreement with any or all of the UMW Division/Mining & Energy Division and/or the Building Unions Division/Construction and General Division and/or the Forestry Division or the relevant Divisional Branches thereof to transfer members and officers of the FEDFA Division to any and/or all of the other aforementioned Divisions. Such agreement shall be reached with the approval of the Management Committee or its equivalent in each Divisional Branch and the officers concerned. Any such Divisional Branch may reach agreement on some or all of the matters relating to such transfer and, failing agreement on any or all of such matters, refer the matters by agreement to the National Executive for decision. Until such time as there no longer exists an FEDFA Division in accordance with the Rules of the Union, all such officers transferred shall, notwithstanding the holding of positions in other Divisions, continue to hold the office or position in the FEDFA Division on an honorary basis and shall, to the extent that the Rules require same, continue to perform the functions associated with that office in relation to the FEDFA Division. All agreements in relation to the transfer of members and officers shall be notified to the National Executive Committee and attached to the Minutes thereof. Such agreements shall have force and effect in accordance with the terms thereof and from the date of effect of that agreement as specified in that agreement, or failing any specification thereof, on the date of the agreement.

7. The following table shows the restructuring of the FEDFA Division, merging with the appropriate Union Division to create Industry Divsions:

	(	merged with	)
STATE	CONSTRUCTION AND GENERAL	MINING AND ENERGY	FORESTRY
National Office	27 Sept 1993	27 Sept 1993	
Queensland	4 Feb 1994	1 Jan 1993	
New South Wales		Northern 2/4/93 Southern 1/7/93 Western 8/4/93 Energy 21/7/93	
Tasmania	31 July 1996	24 August 1996	1 Jan 1994
Sth Aust	1 Aug 1993	1 Aug 1993	
West Aust	1 Sept 1993	1 Sept 1993	
Victoria			
Barrier		1 July 1996	

42B - Merger with ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the

amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DIVISIONAL RESTRUCTURING (FFTS)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps, such steps may deal with one Division at a time and/or Divisional Branches within a restructured Division at a time.

2. In relation to the above, the FFTS Division shall on and from the 11th February 2002, be restructured in the first instance into the Forestry Division to form "The Forestry, Furnishing, Building Products and Manufacturing Division" (FFPD) which shall result in:

   (a) The abolition of full-time FFTS Divisional Officers at a national level and the allocation of responsibility for the FFTS Division to the restructured Division.

   (b) The allocation of Divisional/Branch Office Holders of the FFTS Division to the Office Holders positions of the restructured Division.

   (c) The continued operation of the Victorian and Queensland Divisional Branches of the FFTS Division within the restructured Division of up to four years beyond the expiration of the eight years referred to in sub-rule 42(xii). This sub-rule shall not otherwise affect the operation of sub-rule 42(xii). For the avoidance of doubt, the four years referred to in this sub-rule shall expire on 26 March 2005.

3. Further to the above provisions and notwithstanding any other rule of the Union to the contrary, the FFTS Victorian Branch shall unless otherwise agreed by the FFTS Victorian Branch Management Committee maintain its current structure and existence within the restructured Division up until 26 March 2005.

4. Prior to the 26 March 2005, the FFPD (which shall include representatives of the former FFTS Division) and the Construction & General Division (which shall include representatives from the National Office and all interested Branches) will meet under the chairpersonship of the National Secretary of the CFMEU to reach agreement to finalise translation/integration provisions intended by the respective Schemes of Amalgamation and the Rules of the Union in respect to the Forestry, FFTS and C&G Divisions.

5. Should agreement not be reached between the Divisions the matter shall be referred to the CFMEU National Executive to determine in accordance with the Schemes of Amalgamation and Rules of the Union.

6. Until the elections scheduled to be held in August 2004 the FFPD shall be constituted and represented as follows:-

   (a) Divisional Conference shall consist of:-

      (i) Forestry Division Representatives

Trevor Smith	SA	Jane Calvert	VIC
Paul Martinella	SA	Andy Laing	VIC
Mark Nicholls	SA	Ian Mullen	VIC
Brenton Lockwood	SA	Michael O'Connor	VIC
Scott McLean	TAS	Brad Platschinda	VIC
Colin Butler	TAS	Bevan Anderson	NSW
Gary Jaeschke	WA	Bruce Campbell	NSW
Christopher Northover	P&P	Craig Smith	NSW
Phillip Illidge	P&P	Eileen Anderson	NSW
Alex Millar	P&P	Kenneth Miller	NSW

Debbie Brennan P&P

(ii) FFTS Division Representation

Jim Emery	SA	Leo Skourdoumbis	VIC
David Kirner	SA	Frank Vari	VIC
Brad Parker	NSW	Joe Patti	VIC
Greg Williams	QLD	Cliff Palmer	VIC
John O'Brien	VIC	Alwin Seneviratne	VIC

(iii) Representation

Representation of the Forestry and FFTS Division Branches shall be in accordance with Rule 8 of the Forestry Division Rules.

(b) Divisional Executive shall consist of:-

(i)

Jane Calvert	Divisional President
Phillip Illidge	Divisional Snr V/President
Brad Parker	Divisional V/President
Craig Smith	Divisional V/President
Trevor Smith	Divisional Secretary
Chris Northover	Divisional Snr Assistant Secretary (Honorary)
Michael O'Connor	Divisional Assistant Secretary
Leo Skourdoumbis	Divisional Assistant Secretary (Honorary)
Kenneth Miller	Divisional Trustee
Dave Kirner	Divisional Trustee
Frank Vari	Divisional Trustee
Scott McLean	Divisional Trustee
Paul Martinella	Divisional Executive Member
Greg Williams	Divisional Executive Member
Gary Jaeschke	Divisional Executive Member

(c) FFPD NSW Branch Executive/Committee of Management

Brad Parker	Joint President (full-time)
Bevan Anderson	Joint President (Honorary)
Bruce Campbell	Snr V/President
Jayne Willet	Jnr V/President (AA)
Tom Abramovic	Jnr V/President
Craig Smith	Secretary
Sala Taalilil	Trustee
Eileen Anderson	Trustee (AA)
Peter Reilly	Trustee
Ronnie Watson	Trustee
Kenneth Miller	Trustee
Alan Lanyon	Committee Member
Barry Barrakett	Committee Member
Cheryl Hampton	Committee Member
Kerry Hickey	Committee Member
Mark Thompson	Committee Member
Michael Schuppan	Committee Member
Peter StClair	Committee Member
Anthony Ovington	Committee Member

(2 Vacant COM positions to be filled by FFTS)

(d) (a) FFPD VIC FFTS Branch Executive/Committee of Management

Joe Patti	President
Cliff Palmer	V/President
John O'Brien	V/President
Leo Skourdoumbis	Secretary
Frank Vari	Assistant Secretary
Michael Doran	Trustee
Ernie Landolt	Trustee
Les Ford	Trustee
Florencio P Carrion	Committee Member
Eric Maher	Committee Member
Jeffery Connor	Committee Member
Brenda Crawford	Committee Member
Penny Lintzos	Committee Member
James Maine	Committee Member
Alwin Seneviratne	Committee Member
Greg Wheeler	Committee Member
Chris Christou	Committee Member
Damian Cooke	Committee Member
Ian Morris	Committee Member

(b) FFPD VIC Forestry Branch Executive/Committee of Management

Andy Laing	President
Ian Mullen	Snr V/President
Andrew Wareham	V/President
Kim Mason	V/President (AA)
Jane Calvert	Secretary
Yorick Piper	Assistant Secretary
Kevin Wyley	Trustee
Clare Burford	Trustee (AA)
Ken Tonkin	Trustee
Mark Nelson	Trustee
Ricky Owens	Committee Member
Bob Salmnon	Committee Member
Wayne Smith	Committee Member
Neil Saunders	Committee Member
David Sheppard	Committee Member
Sunsera Verhoven	Committee Member
Anthony Jones	Committee Member
Duncan Ingram	Committee Member
Graeme Howe	Committee Member

(1 vacant COM AA position to be filled)

(e) FFPD Pulp & Paper Branch Executive/Committee of Management

Phillip Illidge	President
Robert Johnston	Snr V/President
Alex Millar	Jnr V/President
Chris Northover	Secretary/Treasurer
Grant Keys	Trustee
Chris Northover	Trustee
Alex Millar	Trustee
Geoff Gasperotti	Committee Member
Wayne Hardy	Committee Member

Andrew Ball	Committee Member
Greg Stewart	Committee Member
David Jessup	Committee Member
Mervyn Donoghue	Committee Member
Tom Blacka	Committee Member
Craig Waters	Committee Member
Ken Fraser	Committee Member
William Davey	Committee Member
Greg Godde	Committee Member
Trevor Sinclair	Committee Member
Marne Gurney	Committee Member

(f) FFPD SA Branch Executive & Committee of Management

Jim Emery	President
Mark Nicholls	Snr V/President
Tony Howlett	V/President
Maree Gale	V/President
Paul Martinella	Secretary
David Kirner	Assistant Secretary
Steve Crafter	Trustee
Tom Kenny	Trustee
Ross Bennetta	Trustee
Leonie Kiploks	Trustee (AA)
Karen Cory	Committee Member
Mark Vickers	Committee Member
Peter Nelson	Committee Member
Greg Muhovics	Committee Member
Andrew Sampson	Committee Member
Kym Isaacson	Committee Member
Peter Starr	Committee Member
Bill Burns	Committee Member
Bernie Maguire	Committee Member
Laurie Barbary	Committee Member

(1 Vacant COM AA position to be filled by FFTS)

(g) FFPD TAS Branch Executive & Committee of Management

Colin Butler	President
Angela Lord	Snr V/President
Narrelle Bassett	V/President (AA)
Anthony Clay	V/President
Scott McLean	Secretary
Shiralee Gillespie	Trustee (AA)
Ronald Brown	Trustee
Leanne Hardy	Trustee (AA)
Lindsay Hills	Trustee
Robert Bowden	Committee Member
Paul Worker	Committee Member
Peter Mason	Committee Member
Margaret Watson	Committee Member
Kylie Dundas	Committee Member
Joseph Kelly	Committee Member
Anthony Barnes	Committee Member
Adrian Littlejohn	Committee Member

(h) FFPD QLD Branch Executive/Committee of Management

Ursula Korableff	President
Desmond Flanagan	V/President
Stephan Williams	V/President
Greg Williams	Secretary
Rodney Black	Committee Member
Vincent Breen	Committee Member
John Forrest	Committee Member

(i) FFPD WA Branch Executive/Committee of Management

John Rudge	President
Vincent Preedy	Snr V/President
Douglas Ashcroft	V/President
Gary Jaeschke	Secretary (Honorary)
John Cleary	Trustee
Garry Rampling	Trustee

7. This rule shall come into force on and from 11 February 2002 in accordance with the unanimous decision of the National Executive and shall be registered with the Australian Industrial Registry.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State or Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS

(i) The State Officers, being the State Secretary, the State Assistant Secretary, the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

Nothing in this Rule prevents the Branch from entering into an agreement with a Trade or Industrial Union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or on a basis on which the funds are held in common or jointly so long as the funds are treated, for all purposes, insofar as they relate to members of the Branch, as funds of the Branch.

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

The Auditor shall, in the aforesaid report, draw attention of the State Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Branch.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made pursuant thereto.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

SCHEDULE OF OFFICERS REFERRED TO IN RULE 42 (xiv) (a)

POSITION	PERSON TO HOLD POSITION
NATIONAL UNION	
** Joint National Secretary	Stanley Sharkey
** Joint National Secretary	Vic Fitzgerald
** Joint National President	John Maitland
** Joint National President	Trevor Smith
** National Assistant Secretary	John Sutton
** National Senior Vice President	Lou Kyriacou
* National Senior Vice President	Albert Littler
National Senior Vice President	Bill Ethell
Joint National Vice President	Christopher Northover
Joint National Vice President	Kenneth Hawkins
Joint National Vice President	Malcolm McDonald
Joint National Vice President	Thomas Burke
* FEDFA Divisional Assistant Secretary	Tony Maher

* BWIU/Plasterers Divisional Assistant Secretary	Lindsay Fraser
* ATAIU Divisional Assistant Secretary	Chris Northover
* UMW Divisional General Secretary	Eric A Wilks
* UMW Divisional Vice President	Kenneth Hawkins

NATIONAL EXECUTIVE COMMITTEE shall consist of the six (6) principal officers (marked **) plus the other full-time Divisional Officers of each Division (marked *).

NATIONAL EXECUTIVE shall consist of the persons who constitute the National Executive Committee set out above and the Divisional Branch Secretary of each Divisional Branch of each Division set out herein and shall, in accordance with Rule 42 (viii) (a) include the National President and National Secretary of the former OPPWF. This body shall also include the Divisional Branch Secretaries from Victoria, New South Wales, South Australia and Queensland of the FFTS Union Division.

It also includes the South Australian, Victoria and Queensland Branch Secretaries and the NSW Branch Assistant Secretary of the former OPDU.

NATIONAL CONFERENCE shall consist of the persons listed as the members of the four (4) divisional executives set out herein until 2 January 1997, the following shall also be a delegate,

T. Richardson - Secretary of former OPPWF, Queensland Branch.

The National Conference shall also include the persons (as set out herein) comprising the Federal Executive of the FFTS Union Division while that Union Division remains autonomous.

BRANCHES OF THE UNION

NEW SOUTH WALES BRANCH

New South Wales State Officers

Joint NSW State Secretary	Dennis Matthews
Joint NSW State Secretary	Ian Peel
Joint NSW State President	Gavin Hillier
Joint NSW State President	Michael Watson
Joint NSW State Assistant Secretary	Andrew Ferguson
Joint NSW State Assistant Secretary	Alf Rankin
Joint NSW State Senior Vice President	Thomas Burke
Joint NSW State Senior Vice President	Peter McClelland
Joint NSW State Senior Vice President	Edward Curran
Joint NSW State Senior Vice President	Sid Wales
Joint NSW State Vice President	Bevan Anderson
Joint NSW State Vice President	Howard Fisher
Joint NSW State Vice President	Mick Smith
Joint NSW State Vice President	Gary McArthur

New South Wales State Executive

Shall consist of the abovenamed persons being the NSW State Officers together with the persons who are the full-time Divisional Branch officers, other than organisers, of each Divisional Branch, being,

ATAIU NSW Divisional State Assistant Secretary, Joyce Tuckwell
FEDFA NSW Divisional State Assistant Secretary, Scott Gartrell
FFTS NSW Union Divisional State Assistant Secretary, Rex Smith

New South Wales State Conference

Shall consist of the persons who constitute NSW State Executive as listed above (i.e. including NSW State Officers) and the persons being the other members of ATAIU NSW Divisional Branch Management Committee and the Building Unions NSW Divisional Branch Management Committee and the UMW Divisional Branch Management Committee, and the FEDFA NSW Divisional Branch Management Committee and the FFTS Union Division NSW Branch Management Committee listed herein.

VICTORIAN BRANCH

Victorian State Officers

Joint Vic State Secretary	John Van Camp
Joint Vic State Secretary	Vince Raffa
Joint Vic State President	Barry King
Joint Vic State President	Lou Kyriacou
Joint Vic State Assistant Secretary	Martin Kingham
Joint Vic State Assistant Secretary	Vacant
Vic State Senior Vice President	Frank O'Grady
Joint Vic State Vice President	Vilma Stargatt
Joint Vic State Vice President	Malcolm McDonald
Joint Vic State Vice President	Alex Findlay
Joint Vic State Vice President	Vacant

Victorian State Executive

Shall consist of the abovenamed persons being the Victorian Divisional Officers, Building Unions Victorian Divisional State Assistant Secretary and the FEDFA Victorian Divisional State Assistant Secretary plus FFTS Union Division Victorian Divisional Branch Senior Organiser.

Victorian State Conference

Shall consist of the persons who constitute the persons being the other members of the ATAIU Victorian Divisional Branch Management Committee, the BWIU Victorian Divisional Branch Management Committee and the FEDFA Victorian Branch Management Committee and the FFTS Union Division Victorian Divisional Branch Management Committee listed herein.

SOUTH AUSTRALIAN BRANCH

South Australian State Officers

SA State Secretary	Ben Carslake
SA State President	Quentin Cook
Joint SA Senior State Vice President	A. Johnson
Joint SA Senior State Vice President	D. Frater
Joint SA State Vice President	A. Young
Joint SA State Vice President	G. Bull
Joint SA State Vice President	D. Stapleton
Joint SA State Assistant Secretary	Terry Carrol
Joint SA State Assistant Secretary	Geoff Day
Joint SA State Assistant Secretary	J. McGirr

South Australian State Executive

Shall consist of the abovenamed persons being South Australian State Officers and

ATAIU SA Divisional Branch Assistant Secretary
FFTS SA Divisional Branch Assistant Secretary

South Australian State Conference

Shall consist of the persons who constitute South Australian State Executive set out above and the persons being the other members of the ATAIU South Australian Divisional Branch Management Committee, the Building Unions South Australian Divisional Branch Management Committee the FFTS Union Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee listed herein.

TASMANIAN BRANCH

Tasmanian State Officers

Joint Tas State Secretary	Max Cordwell
Joint Tas State Secretary	Mike Grey
Joint Tas State President	Shayne Murphy
Joint Tas State President	Leonard Miles
Tas State Senior Vice President	Stephen Hevey
Joint Tas State Vice President	J. Gill
Joint Tas State Vice President	Colin Butler
Joint Tas State Vice President	M. Collins
Joint Tas State Vice President	David Bean
Joint Tas State Vice President	Barry Bishop
Joint Tas State Vice President	Ray Carroll
Tas State Assistant Secretary	

Tasmanian State Executive

Shall consist of the Full Time Tasmanian State Officers.

Tasmanian State Conference

Shall consist of the persons listed as the Tasmanian State Executive set out above and, the other persons being the persons listed as members of the ATAIU Tasmanian Divisional Branch Management Committee, UMW Tasmanian Divisional Branch Management Committee, the Building Unions Tasmanian Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee and the FFTS Union Division Tasmanian Branch Management Committee listed herein.

AUSTRALIAN CAPITAL TERRITORY BRANCH

ACT State Officers

ACT State Secretary	George Wason
ACT State President	Rod Driver
Joint ACT State Vice President	Kate Lundy
Joint ACT State Vice President	J. McHugh
Joint ACT State Assistant Secretary	Trevor Zeltner
Joint ACT State Assistant Secretary	Stan Hambesis

ACT State Executive

Shall consist of the abovenamed persons listed as ACT State Officers.

ACT State Conference

Shall consist of those persons listed above as being the ACT State Executive and the other persons listed herein as members of the Building Unions ACT Divisional Branch Management Committee.

WESTERN AUSTRALIAN BRANCH

Western Australian State Officers

WA State Secretary	Bill Ethell
Joint WA State President	John Borlini
Joint WA State President	Alex A'Vard
Joint WA State Vice President	Gary Wood
Joint WA State Vice President	A. Baxter
Joint WA State Vice President	Ron Kielty
Joint WA State Vice President	A. Cook
Joint WA State Vice President	K. Reynolds
Joint WA State Assistant Secretary	Rick Todd
Joint WA State Assistant Secretary	Dave McIntyre

WA State Executive

Shall consist of the abovenamed persons listed as WA State Officers.

WA State Conference

Shall consist of those persons listed above as being the WA State Executive and the persons listed herein as members of the both Building Unions Divisional Branches' Management Committees, the members of the UMW WA District Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee.

QUEENSLAND BRANCH

Queensland State Officers

Joint Qld State Secretary	William Trohear
Joint Qld State Secretary	Greg Betts
Joint Qld State President	Andrew Vickers
Joint Qld State President	Peter Stone
Joint Qld State President	Des Holloway
Joint Qld State Senior Vice President	V. Robinson
Joint Qld State Vice President	B. Rushan
Joint Qld State Vice President	Kevin Anderson
Joint Qld State Vice President	Peter Neilson
Joint Qld State Assistant Secretary	Mark Hickey
Joint Qld State Assistant Secretary	Geoff Wilson
Joint Qld State Assistant Secretary	P. Waters

Queensland State Executive

Shall consist of the abovenamed persons listed as Queensland State Officers plus an additional person being the FFTS Union Division Qld Branch Assistant Secretary.

Queensland State Conference

Shall consist of those persons listed above as being the Queensland State Executive and the persons listed herein as members of the Building Unions Queensland Divisional Branch Management Committee, the members of the UMW Divisional Branch Management Committee and the members of the FEDFA Divisional Branch Management Committee and members of the FFTS Union Division Qld Divisional Branch Management Committee.

BUILDING UNIONS DIVISION

DIVISIONAL OFFICERS

Joint Divisional President	A. Littler
Joint Divisional President	B. Ethell
Divisional Secretary	S. Sharkey
Joint Divisional Assistant Secretary	J. Sutton
Joint Divisional Assistant Secretary	L. Fraser
Joint Divisional Senior Vice President	D. McDonald
Joint Divisional Senior Vice President	J. McGirr
Joint Divisional Vice President	C. Bates
Joint Divisional Vice President	M. Bingham
Joint Divisional Vice President	T. Burke

BUILDING UNIONS DIVISIONAL EXECUTIVE

The Divisional Officers of Building Unions Division as set out above, and

W. Trohear	Queensland
M. Cordwell	Tasmania
B. Carslake	South Australia
V. Raffa	Victoria
D. Cafferty	Victoria
G. Wason	Australian Capital Territory
D. Matthews	New South Wales
A. Rankin	New South Wales
B. Ethell	Western Australia
T. Carroll	Plasterers
K. Reynolds	WA Plasterers

BUILDING UNIONS DIVISIONAL CONFERENCE

The Divisional Officers of Building Unions Division and the Divisional Executive as set out above, and the following delegates from Building Unions Divisional Branches:

A. Ferguson	(NSW)	A. Wigchert	(QLD)
P. Grainger	(NSW)	M. Hickey	(QLD)
J. Briggs	(NSW)	T. Richardson	(QLD)
T. Morrison	(NSW)		
T. Mawdsley	(NSW)	F. O'Grady	(VIC)
J. Taylor	(NSW)	R. Williams	(VIC)
I. Smith	(NSW)	M. Kingham	(VIC)
B. Woodham	(NSW)	J. Saddington	(VIC)
T. McDonald	(NSW)		

E. Boatswain (NSW) R. Todd (WA)

- together with the OPDU Federal Council as at the date of amalgamation.

BUILDING UNIONS DIVISIONAL TRUSTEES

W. Trohear (QLD)
R. Driver (ACT)

BUILDING UNIONS NSW DIVISIONAL BRANCH

Divisional State President	P. McClelland
Divisional State Secretary	D. Matthews
Joint Divisional State Assistant Secretary	A. Ferguson
Joint Divisional State Assistant Secretary	T. Burke
Joint Divisional State Assistant Secretary	A. Rankin
Divisional State Vice President	G. McArthur

BUILDING UNIONS NSW DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners
T. Morrison
J. Pineiro
I. Smith
L. Strutzenberger
M. Barrios

Bridge & Wharf
A. Melnikoff

Tilelayer
L. Quill

Slater & Tiler
M. Murphy

Painters
J. Anning
J. Foster
J. Hoddle

Bricklayers
H.D. Eisenhammer
A. Baxter

Builders Labourers
J. Ashdown
P. Balcombe
I. Gavin
S. Green

Stonemason
S. Cafarella

Plasterer
C. Howarth

BUILDING UNIONS NSW DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and -

Sydney Zone

Sydney Carpenters & Joiners
H. Brazao
P. Bristow
T. Connolly

Country Zone

Country Carpenters & Joiners
L. Allen
R. Wills

P. Eggers
E. Elder
G. Kelly
F. Malis
P. Leyden
A. Zdrilic

Sydney Bricklayers
V. Catania
J. Taylor
M. McAliney

Sydney Builders Labourers
B. Granata
E. Harbidge
G. Sheen
D. Stean
J. McGee
S. Whetter

Country Bricklayer
D. Atkinson

Country Builders Labourer
W. Shipman

Bridge & Wharf
C. Ford

Tilelayers
L. Quill

Slaters & Tilers
M. French

Stonemasons
J. Robinson

Plasterer
K. Andrews

Newcastle Zone

Newcastle Carpenters & Joiners
J. Allen
P. Cuskelly

Newcastle Bricklayer
L. Deeks

Newcastle Builders Labourer
E. Purins

Wollongong Zone

Wollongong Carpenters & Joiners
T. Gray
G. Karry

Wollongong Bricklayer
W. Hall

Wollongong Builders Labourer
M. Ward

BUILDING UNIONS NSW DIVISIONAL BRANCH TRUSTEES

T. Morrison
L. Strutzenberger
S. Green
J. Anning

BUILDING UNIONS NSW DIVISIONAL BRANCH ORGANISERS

B. Miller
P. Grainger
W. Baker
J. Briggs
B. Cochrane
N. Fodor
J. Higgins
J. Curruthers
J. Prentice
J. McKee
T. Hunt
M. Lawler
P. Zaboyak
M. Lynch
S. Manna
T. Mawdsley
D. Sullivan
C. Bates
J. Adams
J. McGahan
B. Beasley

Newcastle: R. Jarman

BUILDING UNIONS NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

T. McDonald
S. Sharkey
D. McDonald
J. Briggs
I. Smith
P. Grainger
J. Taylor
J. Sutton
T. Burke
E. Boatswain
D. Matthews
L. Fraser
C. Bates
A. Ferguson
T. Morrison
T. Mawdsley
B. Woodham

BUILDING UNIONS QLD DIVISIONAL BRANCH

Divisional State President — P. Stone
Divisional State Secretary — W.W. Trohear
Divisional State Assistant Secretary — M. Hickey
Divisional State Assistant Secretary — P. Waters
Divisional State Vice President — K. Anderson
Divisional State Vice President — B. Rushan

BUILDING UNIONS QLD DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

B. Tucker
P. Stone
T. Richardson
R. Bostock
K. Marcus
K. Anderson
B. Hopton
K. Bull
R. Vanderhorst
A. Pountey
F. Pearson
J. Gruer
G. Federer
B. Hall
G. Horn
B. McGill
M. Edwards

BUILDING UNIONS QLD DIVISIONAL BRANCH TRUSTEES

P. Stone
T. Richardson
R. Bostock
R. Vanderhorst

BUILDING UNIONS QLD DIVISIONAL BRANCH ORGANISERS

W. Perrett
D. Kersey
T. Richardson
K. Murphy
K. Carroll
G. Howcroft
A. Wigchert

BUILDING UNIONS QLD DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. Trohear
A. Wigchert

M. Hickey
T. Richardson

BUILDING UNIONS WA DIVISIONAL BRANCH

Divisional State President	A. Baxter
Divisional State Secretary	B. Ethell
Divisional State Assistant Secretary	R. Todd

BWIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

N. Houston	T. Bird
P. Alcantara	H. Johnson
B. Churchill	M. Banks
B. Freeman	J. Giles

BWIU WA DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

Perth
G. Curtin
R. Gaskell
C. Knight
B. Waller
A. De Klerk
M. Floud
N. Drayton
A. Hughes
K. Bulloch
J. Fitzgerald

Fremantle/Medina
C. Gorham
A. Phillips
J. Allison
P. Fairbotham
J. Curran

South West
J. McDonell

BWIU WA DIVISIONAL BRANCH ORGANISERS

D. Wildgoose
J. Gallagher

BWIU WA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Ethell
R. Todd

BUILDING UNIONS WA PLASTERERS DIVISIONAL BRANCH

Divisional State President	Mark Hudston
Divisional State Secretary	Kevin Reynolds
Divisional Branch Delegate to National Conference	Kevin Reynolds
Divisional State Vice President	Roy Cox
Divisional Committee of Management	James Hamilton
	Michael Naughton
Divisional Branch Organiser	Robert Manwaring

BUILDING UNIONS TAS DIVISIONAL BRANCH

Divisional State President	Stephen Hevey
Divisional State Secretary	Max Cordwell
Divisional State Assistant Secretary	T. Benson
Joint Divisional State Vice President	Ray Browne
Joint Divisional State Vice President	Ray Carroll
Joint Divisional State Vice President	M. Collins

BUILDING UNIONS TAS DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Adrian Telha	Paul Ridgeway
Roy Smedley	Grant Jackson
Ray Carroll	Gary Taylor
R. Edwards	L. Verrell

BUILDING UNIONS TAS DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

002 Area	003 Area
C. Green	A.J. Smith
A. Currie	L. Edwards
R. Dillon	P. Harris

004 Area

W. Maloney
B. Knowles
R. Doe

BUILDING UNIONS TAS DIVISIONAL BRANCH TRUSTEES

Max Cordwell	Stephen Hevey
Ray Browne	Adrian Telha
R. C. Edwards	A. R. Benson

BUILDING UNIONS TAS DIVISIONAL BRANCH ORGANISERS

Mark Telha
Martin Clifford
Ray Carroll

BUILDING UNIONS TAS DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

M. Cordwell

BUILDING UNIONS VIC DIVISIONAL BRANCH

Divisional State President	F. O'Grady
Divisional State Secretary	V. Raffa
Divisional Branch Assistant Secretaries	M. Kingham M. Bingham
Divisional State Vice President	B. Oliver

BUILDING UNIONS VIC DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners	**Builders Labourers**	**Painters**
R. Williams	T. Sinclair	M. Baird
R. Carter	R. Ryan	M. Garcia
G. Lavery	J. Nicol	K. B. Hughes
D. Van Dam	P. Lennon	P. Boyle
M. Santana	M. Bingham	M. Evans
W. Torpey	M. Ratel	
D. Noonan		
B. Giagnacovo		

Tilelayer	**Stonemason**
Z. Prazac	M. Newham

BUILDING UNIONS VIC DIVISIONAL BRANCH COUNCIL

Carpenters & Joiners	**Builders Labourers**
V. Nicoli	T. Bockting
K. Green	G. Young
D. Black	G. Miles
A. Moore	D. Noonan
W. Oliver	K. Hughes
H. Kotsabis	J. Bruce
D. Jacobson	J. McPartlin
G. Preddy	C. Leatham
D. Shacklock	

Stonemasons	**Tilelayers**
A. Patience	O. Kypta
G. Slack	Z. Prazak

Zone Delegates

Ballarat	Bendigo
V. Broes	T. Coleman
L. Brown	N. Pyle
N. Davidson	L. Worme

Brunswick	Camberwell
M. Kingham	J. Baysinger
W. McConnel	R. Bentley
F. Stradijot	S. Mitchell

Clifton Hill	Essendon
F. Amarante	D. Deprisco

R. Collins
S. West

T. Hancy
V. Raffa

Footscray
P. Leckie
F. Lopez
R. Storey

Geelong
J. Cody
J. O'Mara
B. Roche

Goulburn Valley
C. Craig
A. Kerris
P. O'Flaherty

Latrobe Valley
V. Beaton
M. Smith
A. Nabulsi

Melbourne
R. Carter
M. Santana
G. Tsotsos

Mordialloc
G. Burleigh
I. Nichol
P. Sullivan

Murray Valley
L. Fahey
S. Masterson
J. Salinger

Oakleigh
L. Bacolas
J. Medlyn
B. Smith

Preston
M. Collingburn
R. Lucas
N. Porter

Prahran
B. Giagnacovo
A. Medina
S. Delaney

Richmond
D. Blake
C. Commons
R. Hakainsson

South Western
K. O'Connor
A. Sargent
G. Sullivan

Sunraysia
A. Boldock
D. Costa
M. Dawes

Wimmera
R. Nesibit
G. Scott
A. Patterson

BUILDING UNIONS VIC DIVISIONAL BRANCH TRUSTEES

M. Kingham
B. Oliver
Vacant

M. Bingham
F. O'Grady
M. Baird

BUILDING UNIONS VIC DIVISIONAL BRANCH ORGANISERS

R. Welsh
T. Sinclair
R. Storey
W. Bingham
A. Medina
D. Jacobson
D. Noonan
P. Muldeary

H. Kotsabis
R. Carter
T. O'Kane
D. Riddell
G. Young
M. Kingham
M. Garcia

BUILDING UNIONS VIC DIVISIONAL BRANCH DELEGATES DIVISIONAL CONFERENCE

F. O'Grady
M. Kingham
V. Raffa
R. Williams
J. Saddington
M. Bingham

BUILDING UNIONS SA DIVISIONAL BRANCH

Divisional State President	A. Johnson
Divisional State Secretary	B. Carslake
Divisional State Vice President	G. Millar
Divisional State Vice President	D. Stapleton
Divisional State Assistant Secretary/Treasurer	T. Carroll
Divisional State Assistant Secretary/Treasurer	J. McGirr

BUILDING UNIONS SA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

BWIU	PLASTERERS	PAINTERS
F. Gosden	G. Parrish	George Tilley
T. Karrandjis	R. Watson	Greg Tilley
C. Morton	R. Bennett	Lambden
D. Sellmann	A. Spano	Weir
T. Middleton	S. Kesisoglou	McEwan
		Evans

BUILDING UNIONS SA DIVISIONAL BRANCH ORGANISERS

M. Gnatenko
H. Koemecker
M. Bella

BUILDING UNIONS SA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Carslake

BUILDING UNIONS ACT DIVISIONAL BRANCH

Divisional State President	R. Driver
Divisional State Secretary	G. Wason
Joint Divisional State Assistant Secretary	S. Hambesis
Joint Divisional State Assistant Secretary	T. Zeltner
Divisional State Vice President	K. Lundy
Divisional State Vice President	J. McHugh

BUILDING UNIONS ACT DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Pyner
A. Dillon
J. Long
J. Grey Reitz
D. Rail
G. Roderick

T. Lagoya	L. Lancsar
J. Diamante	B. Larke
G. McGowan-Lay	G. Cleghorn
P. Johnstone	P. Trapani

BUILDING UNIONS ACT DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

D. Thompson	G. Kirkwood
B. Norman	G. Frasin
C. Kaskoutas	W. Thompson
M. Morgan	J. Clyde
T. Gooden	R. Hemsley

BUILDING UNIONS ACT DIVISIONAL BRANCH TRUSTEES

G. Wason	R. Driver
S. Hambesis	K. Lundy
G. McGowan-Lay	

BUILDING UNIONS ACT DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

G. Wason

ATAIU DIVISIONAL BRANCH OFFICE HOLDERS

ATAIU DIVISIONAL OFFICERS

Divisional President	G. Hillier
Divisional Secretary	T. Smith
Divisional Assistant Secretary	C. Northover
Divisional Senior Vice President	S. Murphy
Joint Divisional Vice President	P. Illidge
Joint Divisional Vice President	B. King

ATAIU DIVISIONAL TRUSTEES

J. Tuckwell	Q. Cook
V. Stargatt	

Who form the Divisional Executive, and who with the following form the Divisional Conference

A. Roberg (SA)	M. St Clair (SA)
C. Butler (TAS)	B. Anderson (NSW)
J. Gallogley (NSW)	J. Quartermaine (NSW)
M. Schuppan (NSW)	B. Campbell (NSW)
J. Beeson (VIC)	B. Murpy (VIC)
E. Swainston (VIC)	M. Graham (Pulp & Paper)
A. Dunlop (Pulp & Paper)	

ATAIU SA DIVISIONAL BRANCH

ATAIU SA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Young
Divisional Branch Secretary	Q. Cook
Divisional Branch Vice Presidents	M. St Clair
	A. Roberg

ATAIU SA DIVISIONAL BRANCH TRUSTEES

E. Cathro	P. Martinella
J. Nicks	

Who form the Executive.

ATAIU SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

L. Barry	T. Goodrich
L. Kilsby	F. Beimans
G. Schultz	L. Pelkonen
B. Lockwood	

ATAIU SA DIVISIONAL COUNCIL DELEGATES

M. St Clair	A. Young
T. Smith	Q. Cook

ATAIU NSW DIVISIONAL BRANCH

ATAIU NSW DIVISIONAL BRANCH OFFICERS

Divisional President	B. Anderson
Divisional Secretary	G. Hillier
Divisional Assistant Secretary	J. Tuckwell
Divisional Vice Presidents	G. Sacco
	J. Gallogley

ATAIU NSW DIVISIONAL BRANCH TRUSTEES

S. McDonald	M. Schuppan
B. Campbell	

Who are officers and form the Executive.

ATAIU NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

W. Englert	K. Yelverton
S. Hudson	J. Quartermain
W. Sentance	C. McGowan
C. Brooks	

ATAIU NSW DIVISIONAL COUNCIL DELEGATES

G. Hillier
J. Gallogley
J. Quartermain
B. Campbell
B. Anderson
S. McDonald
K. Yvelton

ATAIU VIC DIVISIONAL BRANCH

ATAIU VIC DIVISIONAL OFFICERS

Divisional President	V. Stargatt
Divisional Secretary	B. King
Divisional Vice Presidents	V. Iluk
	E. Swainston

ATAIU VIC DIVISIONAL BRANCH TRUSTEES

J. Beeson
B. Murphy
T. Carley

ATAIU VIC DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

J. Browne
P. Love
T. Stinton
S. Wilson
B. Harms
R. Owens
C. Walkear
P. Tait

ATAIU VIC DIVISIONAL COUNCIL DELEGATES

V. Stargatt
J. Beeson
B. Murphy
M. Lynch
E. Swainston

ATAIU TAS DIVISIONAL BRANCH

ATAIU TAS DIVISIONAL BRANCH OFFICERS

Divisional President	C. Butler
Divisional Secretary	S. Murphy
Divisional Vice Presidents	R. Ford
	D. Turriff

ATAIU TAS DIVISIONAL BRANCH TRUSTEES

C. Butler
R. Smith
S. Cahoon

ATAIU TAS DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

M. Barber
R. Foster
D. Harkes
B. Riley
S. Cahoon
R. French
N. Lincoln
R. Smith

ATAIU TAS DIVISIONAL COUNCIL DELEGATES

C. Butler
S. Murphy

ATAIU WA DIVISIONAL BRANCH

ATAIU WA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Cook
Divisional Branch Secretary	A. A'Vard
Divisional Branch Vice President	D. Murie
Divisional Branch Treasurer	R. Taylor

ATAIU WA DIVISIONAL BRANCH TRUSTEES

P. McCarthy	K. Smith
R. Henry	

ATAIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

R. J. Smith	C. Hagelund
R. Reiter	K. Cameron
V. McGlinn	J. Savage
G. P. Jaeschke	M. Bennett
W. J. Hall	

ATAIU NO. 7 DIVISIONAL BRANCH

ATAIU NO. 7 DIVISIONAL BRANCH OFFICERS

Divisional Branch President	P. Illidge
Divisional Branch Secretary/Treasurer	C. Northover
Divisional Branch Assistant Secretary/Treasurer	M. Graham
Divisional Vice Presidents	A. Dunlop
	R. Johnson

ATAIU NO. 7 DIVISIONAL BRANCH TRUSTEES

C. Northover	M. Graham

ATAIU NO. 7 DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

D. Garlick	G. Aston
T. Mackerell	G. Morley
N. Anderson	C. Glaubitz
N. Allen	D. McKay
M. Donoghue	P. Graham
J. Wright	T. Kelly
W. Hardy	G. Lincoln
G. Draper	T. Dwyer

ATAIU NO. 7 DIVISIONAL COUNCIL DELEGATES

C. Northover	M. Graham
P. Illidge	

ATAIU NOWRA SUB-BRANCH

President	Peter Graham
Senior Vice President	Harry Knowles
Junior Vice President	Tim Cato
Secretary-Treasurer	Mervyn Donoghue
Committee of Management	Rhonda Shelley
	Jim Evans
	Ray Clarke
	Alan Whitton
Delegate to No. 7 Branch Committee of Management	Mervyn Donoghue
	Peter Graham

ATAIU BURNIE SUB-BRANCH

President	George Draper
Senior Vice President	Barry Connors
Junior Vice President	Eric Edwards
Secretary-Treasurer	Geoffrey Lincoln
Committee of Management	
Alan Claridge	Graham Wells
Anthony Johnson	Andrew Crawn
Jack Wylie	Russell Norton
Danny Rowlands	Richard Troughton
Noel Stubbs	Rex Berry
Delegate to No. 7 Branch Committee of Management	Geoffrey Lincoln
	George Draper

ATAIU PORT HUON SUB-BRANCH

President	Barry Young
Senior Vice President	Colin McMullin
Junior Vice President	Jeff Parsons
Secretary-Treasurer	Wayne Hardy
Committee of Management	
Neville Burgess	Graeme Goaman
David Greatbatch	Ricky Cowen
Delegate to No. 7 Branch Committee of Management	Wayne Hardy

ATAIU MYRTLEFORD SUB-BRANCH

President	Vacant
Senior Vice President	Bruce Dale
Junior Vice President	Paul Ryan
Secretary-Treasurer	Trevor Dwyer

Committee of Management	Oliver Evans
	Colin Richardson
	Trevor Davis
	Robert Arnold
	Christopher Stone
Delegate to No. 7 Branch Committee of Management	Trevor Dwyer

ATAIU MARYVALE SUB-BRANCH

President	Neville Anderson
Senior Vice Persident	Charles Glaubitz
Junior Vice President	Cidge Fabris
Secretary/Treasurer	Graeme Morley

Committee of Management

Steven Gilham	Robert Brown
Vernon Jones	Charles Stuart
Geoffrey Dorling	Brian McNamara
Peter Morris	Steven Mason
Wayne Snell	Vincent Nabel

Delegates to No. 7 Branch Committee of Management	Neville Anderson
	Charles Glaubitz
	Graeme Morley
Delegates Gippsland Trades & Labour Council	Graeme Morley
	Vernon Jones
	Brian McNamara
	Robert Brown

ATAIU SYDNEY SUB-BRANCH

President	Donald McKay
Senior Vice Pesident	Ron McElhinney
Junior Vice President	Edward Pram
Secretary-Treasurer	Philip Illidge

Committee of Management

William Daly	Les Smith
William Flowers	Anthony De Bono
Harry Marshall	Wayne Trewella
Mark Skennerton	Joseph Bodor

Delegates to No. 7 Branch Committee of Management	Philip Illidge
	Donald McKay

ATAIU BROADFORD SUB-BRANCH

President	Vacant
Senior Vice President	Vacant
Junior Vice President	Vacant
Secretary-Treasurer	Len Allen
Committee of Management	Garry Nesbitt
	Terry Hobson
	Alan Cole
	Craig Waters
Delegate to No. 7 Branch Committee of Management	Len Allen

ATAIU MILLICENT SUB-BRANCH

President	John Wright
Senior Vice Pesident	Trevor Kelly
Junior Vice President	Richard Watts
Secretary-Treasurer	Robert Johnston
Committee of Management	Michael King
	Graeme Richards
	Mavis Kloock
	Graeme Richardson
	Gilbert Mouat
	Helen Walker
Delegates to No. 7 Branch Committee of Management	John Wright
	Trevor Kelly
	Robert Johnston

ATAIU MELBOURNE SUB-BRANCH

President	David Garlick
Senior Vice President	George Ashton
Junior Vice President	Vacant
Secretary-Treasurer	Alexander Dunlop
Committee of Management	
William Horton	Stan Mazur
Terry Mackerell	Steve Morris
Tom Donelly	Ian James
Alex Miller	Michael Adamopolous
Delegates to No. 7 Branch Committee of Management	Alexander Dunlop
	David Garlick
	George Aston

Delegates to Victorian Trades Hall Council	Alexander Dunlop William Horton Terry Mackerell Malcolm Graham

UMW DIVISION

In accordance with Rule 42 - Transitional Provisions of the Rules of the Union being the National Rules the officers of the previously existing Mining Division immediately prior to the date of effect of the amalgamation shall be, on and from the date of effect of amalgamation the officers of the UMW Division which is the new name for the previous Mining Division and the only change therein shall be, to the extent necessary, the change in the title of office to reflect the change in the name of the Division from Mining Division to UMW Division.

FEDFA DIVISION

DIVISIONAL OFFICERS

Divisional President	M. McDonald
Divisional Secretary	V. Fitzgerald
Divisional Assistant Secretary	T. Maher

FEDFA DIVISIONAL EXECUTIVE

The Divisional Officers of FEDFA Division as set out above, and

I. Peel	New South Wales
J. Van Camp	Victoria
G. Betts	Queensland
G. Day	South Australia
B. O'Neil	Barrier
M. Grey	Tasmania
D. McIntyre	Western Australia

FEDFA DIVISIONAL CONFERENCE

The Divisional Officers of FEDFA Division and the Divisional Executive as set out above, and the following delegates from FEDFA Divisional Branches:

T. Maher	(NSW)
P. Jordan	(NSW)
B. Neilson	(VIC)
M. Hill	(VIC)
D. Holloway	(QLD)
G. Purtill	(QLD)
L. Wilson	(QLD)
B. Samson	(Barrier)
M. Buckley	(SA)
B. Low	(WA)
R. Harrison	(TAS)

FEDFA NSW DIVISIONAL BRANCH

Divisional Branch President	M. Smith
Divisional Branch Secretary	I. Peel
Divisional Branch Assistant Secretary	S. Gartrell

FEDFA NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above,

FEDFA NSW DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and regional delegates and organisers stated below,

Metropolitan
P. Wormleaton
R. Johnson
B. Francis
D. Whitehead
D. Dunn

Northern Region
N. Rose
M. Sealby
G. Webb
D. Owens
J. Nixon

Southern Region
K. Anderson
B. Barnham
G. Freeman
T. Potter

Western Area
R. Fuller
W. Williams

FEDFA NSW DIVISIONAL BRANCH ORGANISERS

Metropolitian
G. Avouris
T. Grant
S. Cochran

Northern
M. Beehag
S. Harding
L. Sinclair

Riverina
S. King
J. Wilson

Western
G. Childs

Southern
H. Miller

Mining
P. Jordan

Energy
A. Drew

FEDFA NSW DIVISIONAL BRANCH TRUSTEES

D. Dunn
L. Robinson
J. Owens

FEDFA NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

V. Fitzgerald

T. Maher
P. Jordan
I. Peel

FEDFA VICTORIAN DIVISIONAL BRANCH

Divisional Branch President	M. McDonald
Divisional Branch Secretary	J. Van Camp
Divisional Branch Assistant Secretary	M. Greenbury
Divisional Branch Vice President	M. Hill

FEDFA VICTORIAN DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

M. French
D. McDonald
D. Baker
J. Kadziela
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional Officers as set out above, and -

SECV Yallourn
P. Wilson

SECV Morwell
G. Reid

SECV LaTrobe
(vacant)

Country Provisional
W. Fleet
M. French
T. McKenzie
P. Skinner

Metropolitian
D. Baker
J. Kadziela

Organisers Rep.
A. Riley
M. Hallett
D. McDonald
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH ORGANISERS

W. Fleet
M. French
R. Hallett
M. Hill
A. Riley

TRUSTEES

M. McDonald
J. Van Camp

FEDFA VICTORIAN DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

J. Van Camp
M. McDonald
M. Hill
B. Nielson

FEDFA BARRIER DIVISIONAL BRANCH

Divisional Branch President	B. Samson
Divisional Branch Secretary	W. O'Neil
Divisional Branch Vice President	R. Hunter

FEDFA BARRIER DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above,

FEDFA BARRIER DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

D. Brennan	R. Adams
A. Fraser	B. Sayers
E. Snaith	

FEDFA BARRIER DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. O'Neil	B. Samson

TRUSTEES

R. Adams	B. Sayer
E. Snaith	

FEDFA TASMANIAN DIVISIONAL BRANCH

Divisional Branch President	B. Bishop
Divisional Branch Secretary	M. Grey

FEDFA TASMANIAN DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and - D. Dawson

FEDFA TASMANIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

Launceston	**Hobart**
D. Dawson	M. Hyland
Devonport	**Tullah**
(vacant)	T. Jones
Burnie	**Savage River**
L. Britton	R. Harrison
Rosebery/Lyell	**Organisers**
N. Hartnell	D. Moncrieff
	B. Best

FEDFA TASMANIAN DIVISONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

M. Grey R. Harrison

FEDFA WA DIVISONAL BRANCH

Divisional Branch President (vacant)
Divisional Branch Secretary (vacant)

FEDFA WA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

FEDFA WA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

P. Bates I. Douglas
T. Feeney D. Hellyer

FEDFA WA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

B. Low
(vacant)

FEDFA SA DIVISIONAL BRANCH

Divisional Branch President G. Bull
Divisional Branch Secretary G. Day
Divisional Branch Vice President F. Stonys

FEDFA SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Rogers R. Brewer

FEDFA SA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

J. Rodgers K. Maywald
F. Grosso F. Harrison
R. Brewer

ORGANISER

R. Brewer

FEDFA SA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

G. Day
M. Buckley

FEDFA QUEENSLAND DIVISONAL BRANCH

Divisional Branch President	D. Holloway
Divisional Branch Secretary	G. Betts
Divisional Branch Assistant Secretary	G. Wilson

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

S. Douglas	B. Scheuber
C. Swift	R. Coleman
L. Wilson	J. Spencer

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch State Management Committee as set out above, and -

M. Dowvendans	T. Quaid
L. Genrich	N. Rampton
R. Beattie	H. Heumiller
J. Rossington	C. Price
(vacant)	

FEDFA QUEENSLAND DIVISIONAL BRANCH ORGANISERS

D. Bloxsom	H. Heumiller
G. Flack	C. Price
C. Gillespie	T. Rosier
J. Rossington	B. Stacker
R. Tremlin	

FEDFA QUEENSLAND DIVISIONAL BRANCH TRUSTEES

D. Holloway	S. Douglas
G. Betts	L. Wilson

FFTS UNION DIVISION

DIVISIONAL OFFICERS

Divisional President	A. Findlay
Divisional Secretary	L. Kyriacou
Divisional Assistant Secretary	M. Haritou
Divisional Senior Vice-President	S. Wales
Divisional Junior Vice-President	D. Frater

FFTS UNION DIVISIONAL EXECUTIVE

The Divisional Officers of the FFTS Union Division as set out above, and

A. Smith	New South Wales
V. Robinson	Queensland

FFTS UNION DIVISIONAL CONFERENCE

The Divisional Officers of the FFTS Union Division and the Divisional Executive as set out above, and the following delegates from the FFTS Union Divisional Branches;

W. Brown (VIC)
M. Findlay (VIC)
R. Smith (NSW)
R. Groat (SA)
A. Cookson (QLD)
R. Orange (TAS)

FFTS UNION VIC. DIVISIONAL BRANCH

Divisional Branch President	M. Mitten
Divisional Branch Secretary	L. Kyriacou
Divisional Branch Assistant Secretary	A. Findlay
Divisional Branch Senior Vice-President	W. Brown
Divisional Branch Junior Vice-President	C. Avent
Divisional Branch Organiser	M. Haritou
Divisional Branch Organiser	R. Shugg

FFTS UNION VIC. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch Officers as set out above and -

A. Frazer	N. Hazeldine
G. Lee	P. Linzos
J. Maines	J. O'Brien
J. Patti	J. Robins
I. Whitcroft	L. Zanandrea
J. Calvert	

FFTS UNION NSW DIVISIONAL BRANCH

Divisional Branch President	R. Smith
Divisional Branch Secretary	S. Wales
Divisional Branch Assistant Secretary	R. Smith
Divisional Branch Vice-President	J. Callaway
Divisional Branch Organiser	Jack Lawrence

FFTS UNION NSW DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

J. Campbell	R. Davies
K. Campbell	W. Kraan
Robert Cumbo (Trustee)	Harry Irvine (Trustee)

FFTS UNION S.A. DIVISIONAL BRANCH

Divisional Branch President	R. Groat
Divisional Branch Secretary	D. Frater
Divisional Branch Assistant Secretary	S. Rowe
Divisional Branch Senior Vice-President	J. Emery

Divisional Branch Junior Vice-President	A. Reeves
Divisional Branch Organiser	S. Rowe
Divisional Branch Organiser	P. Wong
Divisional Branch Organiser	T. Woods

FFTS UNION S.A. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

B. Billington	M. Brownlie
P. Crisanti	A. Czora
A. Howlett	J. Salter
G. Whitford	

FFTS UNION QLD DIVISIONAL BRANCH

Divisional Branch President	G. William
Divisional Branch Secretary	V. Robinson
Divisional Branch Vice-President	A. Amos
Divisional Branch Assistant Secretary	A. Cookson

FFTS UNION QLD. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and - G. Dawson

FFTS UNION TAS DIVISIONAL BRANCH

Divisional Branch President	S. Negus
Divisional Branch Secretary	J. Gill
Divisional Branch Assistant Secretary	R. Orange
Divisional Branch Vice-President	C. Schoenwald
Additional Divisional Branch Executive member	W. Picken
Additional Divisional Branch Executive member	P. Green

FFTS UNION TAS DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

C. Sproule
W. Bandlow

END OF RULES

[105N-FED: incorporates alterations of 3/2/2003 in matter R2002/292]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 93 both inclusive contain a true and correct copy of the registered rules of Construction, Forestry, Mining and Energy Union

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

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1 - NAME

The name of the Union shall be the "Construction, Forestry, Mining and Energy Union".

2 - CONSTITUTION

(A)(A)The Union shall consist of an unlimited number of persons whether male or female

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in

paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;
(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union shall consist of an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

(l) persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connexion with the production or preparation of manufactured goods, plant, machinery, equipment, packages or containers for sale or purposes of distribution.

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker

Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due

south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the:

(i) The Union shall also consist of all persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) The Union shall also consist of an unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board,strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) The Union shall also consist of such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby the Union shall also consist of an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members.

(E) Without limiting the generality of the foregoing and without being limited thereby the Union shall consist of:-

(a) An unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river, and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Union or a branch of the Union or whilst financial members of the Union are elected as representatives of any working-class organisation to which the Union or a branch thereof is affiliated, or as a working-class member of Parliament.

Provided that mobile crane drivers, operators of fork lifts and/or tow motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

(b) Further, provided that, without limiting the generality of the foregoing the Union shall also consist of the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connexion with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and

employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, the Union shall consist of employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the Union shall consist of an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation

and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work

Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler,

generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery

and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees
performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

4 - OBJECTS

1. To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial and social legislation.

2. To regulate the conditions under which all members, of the Union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or association, or association of Trades Unions or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Branches, Divisions, Divisional Branches, Sub-Branches, Districts or Sections of the Union throughout the Commonwealth of Australia.

7. To further any scheme that has for its object the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labour and Trade Union newspapers and wireless broadcasting and television stations, and to invest in shares in such newspapers and radio and television stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide labour or Trade Union Organisation or Association.

10. To establish and manage a Union Journal or Journals.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

14. To render legal and other assistance to members for the recovery of wages or compensation for injuries, to protect the interests of the trade in all its Branches, and to assist other trades by any legal method.

15. To obtain such other objects as the National Conference or National Executive shall from time to time determine.

16. To organise the education of members.

17. To establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Divisional or Divisional Branches.

18. The advancement of members intellectually, morally and socially and to do all things which, in the opinion of the Union, is in the interest of members including donations to political parties, the achievement of compulsory unionism, preference in employment, retrenchment, promotion, demotion and transfer in employment, the production and distribution of newspapers, journals and the like.

19. To achieve such other objects as may be lawfully adopted by any Division of the Union.

20. To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

"UNION" shall mean this Union and shall include all its Divisions, Branches, Divisional Branches and/or any other section or part of the Union.

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"PROPORTIONAL REPRESENTATION" shall mean a system of representation at Committees, Conferences, Executives or the like which, as far as practicable, will provide for voting on a basis which

reflects the number or percentage of financial members, as calculated in accordance with these rules, that each person on such Committee, Conference, Executive or the like, represents.

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast then that candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then that candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the vote preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Mining and Energy Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Workplace Relations Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

(ii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Rules of the Union may require, and shall, when requested, fill in and sign such application form as may be provided.

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v)(a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of

application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

(vii) A member shall, when applying for membership be informed of the financial obligations arising from membership and the circumstances, and the manner, in which a member may resign from the organisation and shall be informed of such in writing.

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be

reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

(ii) Any member who has failed to pay the entrance fees, or contributions, levies and fines imposed in accordance with the rules of the union on or before the date specified in such rules, shall be deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant for admission or exercise any authority or any membership rights, provided that the rules may provide that some members or some class or classes of members may vote in a ballot and/or may differentiate between classes of members as to the amount of any contribution and/or entrance fee.

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.202 of the

Industrial Relations Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

(i) A member desiring to transfer to any other union covering their calling shall make application to the Divisional Branch Secretary, or where the rules of the union so provide, Divisional Sub-Branch, in writing, and shall pay all dues owing to the union, and the transfer will be forwarded to the Secretary of the union to which the member desires to transfer. Such member shall cease to be a member of this Union as from the date on which the transfer is forwarded to the Secretary of such other union.

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

(iii) A clearance shall not be granted to any member unless all moneys owing have first been paid.

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

A register of members and any other records of the Union required to be kept by the Industrial Relations Act and the Regulations made thereunder shall be kept at the registered office of the Union and so far as such records relate to a Division or Divisional Branch at the registered office of that Division or Divisional Branch.

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from

amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.
Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one

calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telegram or telex.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, telephonic, telegraphic, telex, verbal and/or written vote (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) The National Executive Committee shall consist of the National Principal Officers, being the National Secretary of the CFMEU, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Forestry, Furnishing, Building Products and Manufacturing Division, the General President of the Mining and Energy Division; together with the fulltime elected Officers of each Division who are fulltime at the National level and are not already one of the aforementioned National Principal Officers; two (2) Divisional Assistant Secretaries of the Forestry, Furnishing, Building Products and Manufacturing Division, one of whom shall be the Principal Officer of the Pulp and Paper Industry Sector and the other of whom shall be the Principal Officer of the Furnishing Industry Sector; and the Divisional President, and two (2) Divisional Assistant Secretaries of the Construction and General Division if not otherwise included.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive and National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six (6). A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a telegraphic, telex, facsimile, telephonic, email, written and/or postal vote of members of the National Executive or National Executive Committee at any time. Members of the National Executive or National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or telegram or telex or facsimile or email or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or email.

15 - NATIONAL EXECUTIVE

(i) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

(ii) The National officers shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

(iv) The National Executive shall, unless its actions are overturned by the National Conference, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds and property of the Union and shall have and may exercise no more and no less than all of the powers of the National Conference and, without limiting the generality of the foregoing may:

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Industrial Relations Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the

National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

* in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

16 - ELECTION OF NATIONAL OFFICERS

(i) The National Secretary, National Assistant Secretary and National President shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, for Divisions with more than one Divisional Branch, each Division shall be represented by at least one Officer.

Further provided that, for Division with more than one Divisional Branch, each Division shall hold at least one position of Joint Vice President as follows:

* Joint Vice President (Construction and General Division)
* Joint Vice President (FFPD Division)
* Joint Vice President (Mining & Energy Division)

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions by resolution from that Division's National Conference.

Further provided that there shall be a Principal Officer of the FFPD Division representing the former FFTS Division who shall be a National Senior Vice-President. Such officer shall be and remain a member of the National Executive and the National Executive Committee.

Further provided that the Construction & General Division Senior Vice-President (Builders Labourers) shall be a National Senior Vice-President and shall be and remain a member of the National Executive and National Executive Committee.

Further provided that the Construction & General Division Senior Vice-President (former National Secretary of the OPDU) shall be a National Senior Vice-President and shall be and remain a member of the National Executive and National Executive Committee.

All full-time officers of each Division, not otherwise elected to any of the foregoing positions, shall be and remain members of the National Executive Committee.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by post, letter, telegram, telephone, telex, facsimile and/or verbally as soon as the count is completed.

(ix) Provision to be made for the representatives of Divisions to cast votes proportionate to the membership of the respective Division in any ballot for the election of National Officers.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(ii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iii) Except in the case of the Mining & Energy Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) Nominations for the position of Divisional Branch delegates of the Divisional Conference shall be called for by the Divisional Branch Returning Officer by notification in the union journal or in one daily newspaper circulating in the capital city in each Branch on or before the last day of August of every fourth (4th) year commencing as on and from the last day of August 1996.

Provided that such advertisement shall clearly indicate that the Divisional Executive and full time Divisional Officers are elected by and from members of the Divisional Conference, that the members of the Divisional Executive make up the National Conference and that National Officers are made up of the principal officers of each Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) Any member desiring to nominate for the position of Divisional Branch delegate to Divisional Conference shall apply either personally or in writing to the Divisional Branch Returning Officer for a nomination form. Such forms shall be signed by the candidate and by two financial members and forwarded by certified mail to the Divisional Branch Returning Officer or handed personally at the Divisional Branch office or, in the case of an election conducted by the Australian Electoral Commission, at the office nominated by it, and a receipt thereupon obtained.

Nominations shall be closed at 4pm on the last Friday of September 1996 or such other date as may be provided for in any Divisional Rules, and each four (4) years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on that date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) Officers of all Divisional Branches holding such office at the date of amalgamation shall remain in office until the general election of officers held in 1996 and shall be eligible to nominate in that election. In this paragraph officers of all Divisional Branches shall mean officers of branches of the amalgamating unions being the persons listed in the schedule hereto.

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a

candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall on a date which will enable the ballot paper to be posted not later than fourteen (14) clear days before the closing date of the ballot, send by either certified mail or prepaid ordinary mail to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by each Divisional Branch Secretary, and that envelope shall contain only the following documents:

(a) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(b) an empty unsealed pre-paid post envelope addressed to the Divisional Branch Returning Officer, c/- the numbered mail box referred to in this rule;

(c) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Branch Returning Officer may consider necessary;

(d) The candidates statement provided for in accordance with sub-rule (iii) (h) hereof.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed to have closed as at 30th September. Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the 30th September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Branch Returning Officer that they have paid all contributions, levies and fines prior to the 30th September shall be entitled to receive a ballot paper.

(r) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, the officer shall cause the lock to be changed.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

"Preferential Voting" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter gives as their first preference, and shall place the number 2, 3, 4 (and so on as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the preference for them. In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate. If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference. If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preference shall be the same as is above prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except Mining and Energy Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(ii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iii) The Divisional Officers at a national level shall be members of that Divisional Executive.

(iv) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

Any Officer may be removed from office by majority decision of the National Executive, provided that such officer shall not be dismissed from office unless found guilty, in accordance with the Rules of the

Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

Any officer so removed from office shall have the right of appeal to the National Conference. In the event of the appeal being upheld the National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

   National Executive shall:

   Determine the question to be submitted to the members and the form of the ballot paper.

   Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

   Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

   No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

   In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS

1. The following sets out the duties of the National Officers outlined herein. The National Secretary shall be a full time position. The wages and costs relating to the office of the full time officer shall be borne by the Union.

2. National President:

   The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

   The National President shall have a deliberative vote only.

   The National President shall perform all duties assigned to him/her by the National Conference or National Executive and shall be responsible with the National Secretary for the allocation of duties and responsibilities arising from decisions of the National Conference or the National Executive.

3. National Secretary:

   The National Secretary shall be responsible for the general correspondence of the Union, National finance, filing of documents, industrial returns and the carrying out of decisions made by National Conference or National Executive.

   The National Secretary shall have the power, subject to decisions of the National Executive and/or National Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the National Office and allocate duties and responsibilities within the National Office.

   The National Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the National Office, together with a statement of the assets and liabilities of the National Office for the year ending 31st December in each year.

   Such financial statement shall be presented to the National Executive for its approval and be published within the journal of the National Union.

   The National Secretary shall carry out such other functions as shall be determined from time to time by the National Conference or National Executive.

   The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretary:

   National Assistant Secretary shall perform all duties assigned to him/her by National Conference and National Executive. He/She shall attend all meetings of National Conference and National Executive.

5. Senior Vice-President:

   The Senior Vice-President shall assist the National President in the conduct of meetings and shall preside in the absence of the National President, and shall carry out such other duties as shall be determined from time to time by the National Conference or the National Executive.

6. Vice-President/s:

The Vice-Presidents shall assist the National President/s or Senior Vice-President/s in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

They shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

7. Members of National Executive and Delegates to National Conference:

Members of National Executive and delegates to National Conference shall attend meetings of those bodies when summoned so to do.

8. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

Provided that each Division/Divisional Branch is responsible to meet all costs associated with the operation of its Division/Divisional Branch, including all costs associated with the attendance and participation by their representatives at meetings, including National Conference, National Executive Committee unless decided otherwise by the National Executive Committee.

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. No funds shall be drawn from the Bank or financial institution except by cheque signed by two persons who are a National Secretary, National Assistant Secretary, National President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President or National Assistant Secretary. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name

of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

The Auditor shall, in the report, draw attention of the National Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Union.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

25 - ALTERATION OF RULES

(a) The rules of the Union, or any of them, may be altered, rescinded, varied or made by the National Conference and/or National Executive. Proposals for alterations of rules may be forwarded by Divisions, Branches or any member of the National Executive or delegate to the National Conference and shall be forwarded to members and/or delegates with the notice calling the National Conference or National Executive, as the case may be, or so soon thereafter as is practicable. Provided that National Conference or National Executive may, in session, alter rules of which previous notice has not been given.

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telegraphic, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Industrial Relations Act (Commonwealth) or the regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the Industrial Relations Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

These National Rules and all the rules of the Union, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisions, Branches, and Divisional Branches and all sections of the Union and on all members who now, or who may hereafter, belong to the Union until they are made or become null and void according to the law.

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each division shall have autonomy in relation to its funds and property.

(iv) Each Division shall have rules and have power to make, alter or rescind such rules, to be called Divisional Rules. Without limiting the generality of the foregoing paragraph, each Division shall have power to determine policy for that Division, not inconsistent with the rules and policy of the Union as decided by National Conference or National Executive.

(v) If there is any environmental matter that directly affects the employment of members of one Division only, then that Division whose members are so affected shall have the power to determine the policy of the Union on that matter.

(vi) Divisions shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland, New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.202 of the Industrial Relations Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of state unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or

National Assistant Secretary or any person authorised by a National Secretary or National President or National Assistant Secretary so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary or any person authorised by a Divisional Secretary or Divisional Assistant Secretary may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, Divisional Secretary or Divisional Assistant Secretary, or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests issued by a Divisional Secretary or Divisional Assistant Secretary or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National Assistant Secretary, National President, Divisional Secretary and/or Divisional Assistant Secretary shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 361 Kent Street, Sydney in the State of New South Wales, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

Where a Division ceases to exist and the Union continues, the property of that defunct Division shall be vested in the Division to which the members of the defunct Division are allocated.

Where the Union is dissolved the property of the Union shall be vested in the trustees of each existing Division at the time of dissolution for the benefit of the members thereof on the basis that each such Division will continue to hold its own property and funds and any property or funds not vested at the time of dissolution in a Division shall be divided between the existing Divisions on a basis proportionate to the membership of each such Division.

35 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members may be sued for in the name of the Union by the National Secretary or by the Divisional Secretary, or Divisional Branch Secretary to which the member is attached, or by any other person or body authorised by the rules of the Union including the rules of any Divisional Branch or the Rules of any Division.

36 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy shall be decided by a majority of the National Conference or National Executive and shall not exceed $50.00 and when so decided shall be binding on all members or sections of members as National Conference or National Executive may decide.

(iii) A Division or Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

(a) If the National Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a rule, to a vote of National Conference or National Executive at any time when it is inconvenient to call National Executive or National Conference together, the National Secretary may submit a resolution dealing with the matter to the delegates or members, by letter, facsimile, telegram, telephone, email, in writing, by computer link and/or by any other means of communication.

(b) A copy of such resolution shall, as soon as practicable thereafter, be sent to each Branch Secretary and each Divisional Secretary. The votes on such resolution shall be returnable to the National Secretary at such time as the National Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.

(c) Provided that where no record can be kept of the vote and/or decision, such a record shall be created and a copy of that record sent to each person entitled to vote or, in the case of computer linkages, the record is such that it can be viewed and/or copied by the person entitled to vote.

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

1. All motions shall be of an affirmative character and must be moved and seconded by delegates or members. Such motions become the property of Conference or Executive and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates or members present agree to an extension of time.

2. Unless a delegate or member rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

3. A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

4. A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

5. Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

6. All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chairperson's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

   If the votes are equal the question is resolved in the negative.

7. A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates or members present agree to an extension of time.

8. Right of Speaker: Any delegate desiring to speak shall rise and address the chairperson. If two or more delegates or members rise at the same time the chairperson shall call upon the one who, in the Chairperson's opinion, first rose. Provided that no delegates or members can speak more than once upon any question (which shall include the original motion and all amendments thereto) before Conference or Executive, except -

   (a) In reply as the mover of the original motion.
   (b) In explanation or correction of some matter during the debate.
   (c) Upon a point of order raised during the debate.
   (d) Upon a resolution being carried "that the delegate now be heard".

9. A delegate or member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by that delegate or member.

10. No more than two delegates or members shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

11. Any delegate or member speaking shall at once resume their seat -

   (a) If the chairperson rises to speak; or
   (b) If a point of order is raised.

   and shall not resume their speech until the point of order is decided.

12. No delegate or member may speak to any question after it has been put by the chairman or during the taking of the vote.

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of Conference.

CHAIRPERSON'S RULINGS

The chairperson's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by Conference or Executive. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the delegates or members present for Conference or Executive to suspend the order of business.

SITTING AS A COMMITTEE

Conference or Executive may at any time, by a resolution agreed to by a majority of delegates or members present, resolve itself into a committee of the whole. The rules governing the business of Conference or Executive shall be observed when in Committee.

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

The National Executive, the State Executive, a Divisional Executive or a Divisional Branch Management/Executive Committee may, in their absolute discretion, summon meetings of members over which they have authority and/or responsibility from time to time.

If such meeting is called notice shall be given in a union journal circulating in the area covering the members to which the meeting relates or in a mass circulation daily newspaper circulating in the area in which the meeting is to be held and such publication shall be issued at least fourteen days before the date of the meeting. The notice of such meeting shall specify the day, the date, the time and the place of such meeting.

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the Industrial Relations Act 1988, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, telex, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee, following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) Provided that the restructuring referred to above shall not affect the separate existence of the FFTS Union Division and untranslated FEDFA Divisional Branches for the time specified in this Transitional Rule.

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted
(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) (a) The restructuring referred to herein shall be effected by 1st April 1997. Except in the case of the FEDFA Victorian Branch which shall become the CFMEU, FEDFA Victorian Divisional Branch such restructuring may be effected at a time later than 23 September 1995 but shall be effected before 1 July 2001. Further provided that in relation to the FFTS Union Division it may have a separate existence for a period of up to eight years which period shall be shortened only with the agreement of the Divisional Executive of the FFTS Union Division and the eight (8) years shall commence on the date of effect of amalgamation of the FFTS and CFMEU. If no agreement has been reached by the dates set out herein then, notwithstanding any other rule of the Union, the National Executive shall determine the changes necessary to effect such restructuring, including any and all rule changes therefor. It is the current intention that the FFTS Union Division will be

restructured after a maximum of eight (8) years substantially into Forestry, Forest and Building Manufacturing Products Division.

(b) The alteration to sub-rule 42(xii) (a) which replaced the date 23 September 1999 with the date 1 July 2001 shall be taken to have effect retrospectively from 22 September 1999.

(c) In respect of the period of time between 22 September 1999 and the time on the Industrial Registrar's certification of this sub-rule, no action of the Union and its officers in relation to the FEDFA Victorian Divisional Branch nor any action of any member or members elected (or appointed) to be officers of that Branch shall be taken to have been invalid by reason only of the fact that the restructuring referred to in Rule 42 in relation to that Branch has not been effected before 23 September 1999. Any such actions which might otherwise be invalid are by this sub-rule adopted and ratified by the Union.

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

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(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions

Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - Divisional Restructuring (FEDFA)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps which steps may deal with one Division at a time, Divisional Branches within a Division and/or the Divisional Office of any particular Division.

2. In relation to the above, the FEDFA Division shall be restructured in steps which shall involve:

(a) The abolition of full-time Divisional Officers at a national level and the allocation of responsibility for the FEDFA Division between the Building Unions Division and the UMW Division;

(b) The allocation of full-time Divisional Officers of the FEDFA Division to the Building Unions Division and the UMW Division;

(c) The continued operation of the Divisional Branches of the FEDFA Division with the intent, over time, of the restructuring of said Divisional Branches in accordance with Rule 42, into the Building Unions/Construction and General Division, UMW/Mining & Energy Division and the ATAIU/Forestry Division;

(d) The payment of capitation fees by FEDFA Divisional Branches to a designated fund which shall be administered by the Divisional Secretary of the FEDFA Division or, if or when that Office is abolished by the former Divisional Secretary and the Divisional Secretaries of the Building Unions and/or Construction and General Division and the UMW and/or Mining and Energy Division.

(e) The continued meeting of the Division Executive of the FEDFA Division for so long as is necessary before the complete restructuring of the FEDFA Division is effected in accordance with Rule 42.

3. On and from 27 September 1993, in accordance with the above procedure, the current Divisional Secretary of the FEDFA Division shall be and become the Divisional President of the Building Unions Division and the current Divisional Assistant Secretary of the FEDFA Division shall be and become a Divisional General Vice-President of the UMW Division and upon translation in accordance with Rule 42 (iii), shall hold the corresponding offices in the Construction and General Division and the Mining & Energy Division respectively.

4. The current Divisional Secretary and Divisional Assistant Secretary of the FEDFA Division shall continue to hold those positions in the FEDFA Division on an honorary basis until such time as the FEDFA Division no longer meets on a national basis.

5. This Rule shall come into force after its adoption by the National Executive and agreement thereto by the FEDFA Divisional Executive, UMW Divisional Executive and Building Unions Divisional Executive and thereupon shall be registered with the Australian Industrial Registry and shall take effect upon registration, or 27 September 1993, whichever is the later.

6. Further to the above provisions, and notwithstanding any other rule of the Union to the contrary, during the process of restructuring, any Divisional Branch of the FEDFA Division may reach agreement with any or all of the UMW Division/Mining & Energy Division and/or the Building Unions Division/Construction and General Division and/or the Forestry Division or the relevant Divisional Branches thereof to transfer members and officers of the FEDFA Division to any and/or all of the other aforementioned Divisions. Such agreement shall be reached with the approval of the Management Committee or its equivalent in each Divisional Branch and the officers concerned. Any such Divisional Branch may reach agreement on some or all of the matters relating to such transfer and, failing agreement on any or all of such matters, refer the matters by agreement to the National Executive for decision. Until such time as there no longer exists an FEDFA Division in accordance with the Rules of the Union, all such officers transferred shall, notwithstanding the holding of positions in other Divisions, continue to hold the office or position in the FEDFA Division on an honorary basis and shall, to the extent that the Rules require same, continue to perform the functions associated with that office in relation to the FEDFA Division. All agreements in relation to the transfer of members and officers shall be notified to the National Executive Committee and attached to the Minutes thereof. Such agreements shall have force and effect in accordance with the terms thereof and from the date of effect of that agreement as specified in that agreement, or failing any specification thereof, on the date of the agreement.

7. The following table shows the restructuring of the FEDFA Division, merging with the appropriate Union Division to create Industry Divsions:

	(	merged with	)
STATE	CONSTRUCTION AND GENERAL	MINING AND ENERGY	FORESTRY
National Office	27 Sept 1993	27 Sept 1993	
Queensland	4 Feb 1994	1 Jan 1993	
New South Wales		Northern 2/4/93 Southern 1/7/93 Western 8/4/93 Energy 21/7/93	
Tasmania	31 July 1996	24 August 1996	1 Jan 1994
Sth Aust	1 Aug 1993	1 Aug 1993	
West Aust	1 Sept 1993	1 Sept 1993	
Victoria Barrier		1 July 1996	

42B - Merger with ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the

amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DIVISIONAL RESTRUCTURING (FFTS)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps, such steps may deal with one Division at a time and/or Divisional Branches within a restructured Division at a time.

2. In relation to the above, the FFTS Division shall on and from the 11th February 2002, be restructured in the first instance into the Forestry Division to form "The Forestry, Furnishing, Building Products and Manufacturing Division" (FFPD) which shall result in:

   (a) The abolition of full-time FFTS Divisional Officers at a national level and the allocation of responsibility for the FFTS Division to the restructured Division.

   (b) The allocation of Divisional/Branch Office Holders of the FFTS Division to the Office Holders positions of the restructured Division.

   (c) The continued operation of the Victorian and Queensland Divisional Branches of the FFTS Division within the restructured Division of up to four years beyond the expiration of the eight years referred to in sub-rule 42(xii). This sub-rule shall not otherwise affect the operation of sub-rule 42(xii). For the avoidance of doubt, the four years referred to in this sub-rule shall expire on 26 March 2005.

3. Further to the above provisions and notwithstanding any other rule of the Union to the contrary, the FFTS Victorian Branch shall unless otherwise agreed by the FFTS Victorian Branch Management Committee maintain its current structure and existence within the restructured Division up until 26 March 2005.

4. Prior to the 26 March 2005, the FFPD (which shall include representatives of the former FFTS Division) and the Construction & General Division (which shall include representatives from the National Office and all interested Branches) will meet under the chairpersonship of the National Secretary of the CFMEU to reach agreement to finalise translation/integration provisions intended by the respective Schemes of Amalgamation and the Rules of the Union in respect to the Forestry, FFTS and C&G Divisions.

5. Should agreement not be reached between the Divisions the matter shall be referred to the CFMEU National Executive to determine in accordance with the Schemes of Amalgamation and Rules of the Union.

6. Until the elections scheduled to be held in August 2004 the FFPD shall be constituted and represented as follows:-

   (a) Divisional Conference shall consist of:-

      (i) Forestry Division Representatives

Trevor Smith	SA	Jane Calvert	VIC
Paul Martinella	SA	Andy Laing	VIC
Mark Nicholls	SA	Ian Mullen	VIC
Brenton Lockwood	SA	Michael O'Connor	VIC
Scott McLean	TAS	Brad Platschinda	VIC
Colin Butler	TAS	Bevan Anderson	NSW
Gary Jaeschke	WA	Bruce Campbell	NSW
Christopher Northover	P&P	Craig Smith	NSW
Phillip Illidge	P&P	Eileen Anderson	NSW
Alex Millar	P&P	Kenneth Miller	NSW

Debbie Brennan P&P

(ii) FFTS Division Representation

Jim Emery	SA	Leo Skourdoumbis	VIC
David Kirner	SA	Frank Vari	VIC
Brad Parker	NSW	Joe Patti	VIC
Greg Williams	QLD	Cliff Palmer	VIC
John O'Brien	VIC	Alwin Seneviratne	VIC

(iii) Representation

Representation of the Forestry and FFTS Division Branches shall be in accordance with Rule 8 of the Forestry Division Rules.

(b) Divisional Executive shall consist of:-

(i)

Jane Calvert	Divisional President
Phillip Illidge	Divisional Snr V/President
Brad Parker	Divisional V/President
Craig Smith	Divisional V/President
Trevor Smith	Divisional Secretary
Chris Northover	Divisional Snr Assistant Secretary (Honorary)
Michael O'Connor	Divisional Assistant Secretary
Leo Skourdoumbis	Divisional Assistant Secretary (Honorary)
Kenneth Miller	Divisional Trustee
Dave Kirner	Divisional Trustee
Frank Vari	Divisional Trustee
Scott McLean	Divisional Trustee
Paul Martinella	Divisional Executive Member
Greg Williams	Divisional Executive Member
Gary Jaeschke	Divisional Executive Member

(c) FFPD NSW Branch Executive/Committee of Management

Brad Parker	Joint President (full-time)
Bevan Anderson	Joint President (Honorary)
Bruce Campbell	Snr V/President
Jayne Willet	Jnr V/President (AA)
Tom Abramovic	Jnr V/President
Craig Smith	Secretary
Sala Taalilil	Trustee
Eileen Anderson	Trustee (AA)
Peter Reilly	Trustee
Ronnie Watson	Trustee
Kenneth Miller	Trustee
Alan Lanyon	Committee Member
Barry Barrakett	Committee Member
Cheryl Hampton	Committee Member
Kerry Hickey	Committee Member
Mark Thompson	Committee Member
Michael Schuppan	Committee Member
Peter StClair	Committee Member
Anthony Ovington	Committee Member

(2 Vacant COM positions to be filled by FFTS)

(d) (a) FFPD VIC FFTS Branch Executive/Committee of Management

Joe Patti	President
Cliff Palmer	V/President
John O'Brien	V/President
Leo Skourdoumbis	Secretary
Frank Vari	Assistant Secretary
Michael Doran	Trustee
Ernie Landolt	Trustee
Les Ford	Trustee
Florencio P Carrion	Committee Member
Eric Maher	Committee Member
Jeffery Connor	Committee Member
Brenda Crawford	Committee Member
Penny Lintzos	Committee Member
James Maine	Committee Member
Alwin Seneviratne	Committee Member
Greg Wheeler	Committee Member
Chris Christou	Committee Member
Damian Cooke	Committee Member
Ian Morris	Committee Member

(b) FFPD VIC Forestry Branch Executive/Committee of Management

Andy Laing	President
Ian Mullen	Snr V/President
Andrew Wareham	V/President
Kim Mason	V/President (AA)
Jane Calvert	Secretary
Yorick Piper	Assistant Secretary
Kevin Wyley	Trustee
Clare Burford	Trustee (AA)
Ken Tonkin	Trustee
Mark Nelson	Trustee
Ricky Owens	Committee Member
Bob Salmnon	Committee Member
Wayne Smith	Committee Member
Neil Saunders	Committee Member
David Sheppard	Committee Member
Sunsera Verhoven	Committee Member
Anthony Jones	Committee Member
Duncan Ingram	Committee Member
Graeme Howe	Committee Member

(1 vacant COM AA position to be filled)

(e) FFPD Pulp & Paper Branch Executive/Committee of Management

Phillip Illidge	President
Robert Johnston	Snr V/President
Alex Millar	Jnr V/President
Chris Northover	Secretary/Treasurer
Grant Keys	Trustee
Chris Northover	Trustee
Alex Millar	Trustee
Geoff Gasperotti	Committee Member
Wayne Hardy	Committee Member

Andrew Ball	Committee Member
Greg Stewart	Committee Member
David Jessup	Committee Member
Mervyn Donoghue	Committee Member
Tom Blacka	Committee Member
Craig Waters	Committee Member
Ken Fraser	Committee Member
William Davey	Committee Member
Greg Godde	Committee Member
Trevor Sinclair	Committee Member
Marne Gurney	Committee Member

(f) FFPD SA Branch Executive & Committee of Management

Jim Emery	President
Mark Nicholls	Snr V/President
Tony Howlett	V/President
Maree Gale	V/President
Paul Martinella	Secretary
David Kirner	Assistant Secretary
Steve Crafter	Trustee
Tom Kenny	Trustee
Ross Bennetta	Trustee
Leonie Kiploks	Trustee (AA)
Karen Cory	Committee Member
Mark Vickers	Committee Member
Peter Nelson	Committee Member
Greg Muhovics	Committee Member
Andrew Sampson	Committee Member
Kym Isaacson	Committee Member
Peter Starr	Committee Member
Bill Burns	Committee Member
Bernie Maguire	Committee Member
Laurie Barbary	Committee Member

(1 Vacant COM AA position to be filled by FFTS)

(g) FFPD TAS Branch Executive & Committee of Management

Colin Butler	President
Angela Lord	Snr V/President
Narrelle Bassett	V/President (AA)
Anthony Clay	V/President
Scott McLean	Secretary
Shiralee Gillespie	Trustee (AA)
Ronald Brown	Trustee
Leanne Hardy	Trustee (AA)
Lindsay Hills	Trustee
Robert Bowden	Committee Member
Paul Worker	Committee Member
Peter Mason	Committee Member
Margaret Watson	Committee Member
Kylie Dundas	Committee Member
Joseph Kelly	Committee Member
Anthony Barnes	Committee Member
Adrian Littlejohn	Committee Member

(h) FFPD QLD Branch Executive/Committee of Management

Ursula Korableff	President
Desmond Flanagan	V/President
Stephan Williams	V/President
Greg Williams	Secretary
Rodney Black	Committee Member
Vincent Breen	Committee Member
John Forrest	Committee Member

(i) FFPD WA Branch Executive/Committee of Management

John Rudge	President
Vincent Preedy	Snr V/President
Douglas Ashcroft	V/President
Gary Jaeschke	Secretary (Honorary)
John Cleary	Trustee
Garry Rampling	Trustee

7. This rule shall come into force on and from 11 February 2002 in accordance with the unanimous decision of the National Executive and shall be registered with the Australian Industrial Registry.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State or Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS

(i) The State Officers, being the State Secretary, the State Assistant Secretary, the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

Nothing in this Rule prevents the Branch from entering into an agreement with a Trade or Industrial Union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or on a basis on which the funds are held in common or jointly so long as the funds are treated, for all purposes, insofar as they relate to members of the Branch, as funds of the Branch.

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

The Auditor shall, in the aforesaid report, draw attention of the State Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Branch.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made pursuant thereto.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

SCHEDULE OF OFFICERS REFERRED TO IN RULE 42 (xiv) (a)

POSITION	PERSON TO HOLD POSITION
NATIONAL UNION	
** Joint National Secretary	Stanley Sharkey
** Joint National Secretary	Vic Fitzgerald
** Joint National President	John Maitland
** Joint National President	Trevor Smith
** National Assistant Secretary	John Sutton
** National Senior Vice President	Lou Kyriacou
* National Senior Vice President	Albert Littler
National Senior Vice President	Bill Ethell
Joint National Vice President	Christopher Northover
Joint National Vice President	Kenneth Hawkins
Joint National Vice President	Malcolm McDonald
Joint National Vice President	Thomas Burke
* FEDFA Divisional Assistant Secretary	Tony Maher

* BWIU/Plasterers Divisional Assistant Secretary	Lindsay Fraser
* ATAIU Divisional Assistant Secretary	Chris Northover
* UMW Divisional General Secretary	Eric A Wilks
* UMW Divisional Vice President	Kenneth Hawkins

NATIONAL EXECUTIVE COMMITTEE shall consist of the six (6) principal officers (marked **) plus the other full-time Divisional Officers of each Division (marked *).

NATIONAL EXECUTIVE shall consist of the persons who constitute the National Executive Committee set out above and the Divisional Branch Secretary of each Divisional Branch of each Division set out herein and shall, in accordance with Rule 42 (viii) (a) include the National President and National Secretary of the former OPPWF. This body shall also include the Divisional Branch Secretaries from Victoria, New South Wales, South Australia and Queensland of the FFTS Union Division.

It also includes the South Australian, Victoria and Queensland Branch Secretaries and the NSW Branch Assistant Secretary of the former OPDU.

NATIONAL CONFERENCE shall consist of the persons listed as the members of the four (4) divisional executives set out herein until 2 January 1997, the following shall also be a delegate,

T. Richardson - Secretary of former OPPWF, Queensland Branch.

The National Conference shall also include the persons (as set out herein) comprising the Federal Executive of the FFTS Union Division while that Union Division remains autonomous.

BRANCHES OF THE UNION

NEW SOUTH WALES BRANCH

New South Wales State Officers

Joint NSW State Secretary	Dennis Matthews
Joint NSW State Secretary	Ian Peel
Joint NSW State President	Gavin Hillier
Joint NSW State President	Michael Watson
Joint NSW State Assistant Secretary	Andrew Ferguson
Joint NSW State Assistant Secretary	Alf Rankin
Joint NSW State Senior Vice President	Thomas Burke
Joint NSW State Senior Vice President	Peter McClelland
Joint NSW State Senior Vice President	Edward Curran
Joint NSW State Senior Vice President	Sid Wales
Joint NSW State Vice President	Bevan Anderson
Joint NSW State Vice President	Howard Fisher
Joint NSW State Vice President	Mick Smith
Joint NSW State Vice President	Gary McArthur

New South Wales State Executive

Shall consist of the abovenamed persons being the NSW State Officers together with the persons who are the full-time Divisional Branch officers, other than organisers, of each Divisional Branch, being,

ATAIU NSW Divisional State Assistant Secretary, Joyce Tuckwell
FEDFA NSW Divisional State Assistant Secretary, Scott Gartrell
FFTS NSW Union Divisional State Assistant Secretary, Rex Smith

New South Wales State Conference

Shall consist of the persons who constitute NSW State Executive as listed above (i.e. including NSW State Officers) and the persons being the other members of ATAIU NSW Divisional Branch Management Committee and the Building Unions NSW Divisional Branch Management Committee and the UMW Divisional Branch Management Committee, and the FEDFA NSW Divisional Branch Management Committee and the FFTS Union Division NSW Branch Management Committee listed herein.

VICTORIAN BRANCH

Victorian State Officers

Joint Vic State Secretary	John Van Camp
Joint Vic State Secretary	Vince Raffa
Joint Vic State President	Barry King
Joint Vic State President	Lou Kyriacou
Joint Vic State Assistant Secretary	Martin Kingham
Joint Vic State Assistant Secretary	Vacant
Vic State Senior Vice President	Frank O'Grady
Joint Vic State Vice President	Vilma Stargatt
Joint Vic State Vice President	Malcolm McDonald
Joint Vic State Vice President	Alex Findlay
Joint Vic State Vice President	Vacant

Victorian State Executive

Shall consist of the abovenamed persons being the Victorian Divisional Officers, Building Unions Victorian Divisional State Assistant Secretary and the FEDFA Victorian Divisional State Assistant Secretary plus FFTS Union Division Victorian Divisional Branch Senior Organiser.

Victorian State Conference

Shall consist of the persons who constitute the persons being the other members of the ATAIU Victorian Divisional Branch Management Committee, the BWIU Victorian Divisional Branch Management Committee and the FEDFA Victorian Branch Management Committee and the FFTS Union Division Victorian Divisional Branch Management Committee listed herein.

SOUTH AUSTRALIAN BRANCH

South Australian State Officers

SA State Secretary	Ben Carslake
SA State President	Quentin Cook
Joint SA Senior State Vice President	A. Johnson
Joint SA Senior State Vice President	D. Frater
Joint SA State Vice President	A. Young
Joint SA State Vice President	G. Bull
Joint SA State Vice President	D. Stapleton
Joint SA State Assistant Secretary	Terry Carrol
Joint SA State Assistant Secretary	Geoff Day
Joint SA State Assistant Secretary	J. McGirr

South Australian State Executive

Shall consist of the abovenamed persons being South Australian State Officers and

ATAIU SA Divisional Branch Assistant Secretary
FFTS SA Divisional Branch Assistant Secretary

South Australian State Conference

Shall consist of the persons who constitute South Australian State Executive set out above and the persons being the other members of the ATAIU South Australian Divisional Branch Management Committee, the Building Unions South Australian Divisional Branch Management Committee the FFTS Union Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee listed herein.

TASMANIAN BRANCH

Tasmanian State Officers

Joint Tas State Secretary	Max Cordwell
Joint Tas State Secretary	Mike Grey
Joint Tas State President	Shayne Murphy
Joint Tas State President	Leonard Miles
Tas State Senior Vice President	Stephen Hevey
Joint Tas State Vice President	J. Gill
Joint Tas State Vice President	Colin Butler
Joint Tas State Vice President	M. Collins
Joint Tas State Vice President	David Bean
Joint Tas State Vice President	Barry Bishop
Joint Tas State Vice President	Ray Carroll
Tas State Assistant Secretary	

Tasmanian State Executive

Shall consist of the Full Time Tasmanian State Officers.

Tasmanian State Conference

Shall consist of the persons listed as the Tasmanian State Executive set out above and, the other persons being the persons listed as members of the ATAIU Tasmanian Divisional Branch Management Committee, UMW Tasmanian Divisional Branch Management Committee, the Building Unions Tasmanian Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee and the FFTS Union Division Tasmanian Branch Management Committee listed herein.

AUSTRALIAN CAPITAL TERRITORY BRANCH

ACT State Officers

ACT State Secretary	George Wason
ACT State President	Rod Driver
Joint ACT State Vice President	Kate Lundy
Joint ACT State Vice President	J. McHugh
Joint ACT State Assistant Secretary	Trevor Zeltner
Joint ACT State Assistant Secretary	Stan Hambesis

ACT State Executive

Shall consist of the abovenamed persons listed as ACT State Officers.

ACT State Conference

Shall consist of those persons listed above as being the ACT State Executive and the other persons listed herein as members of the Building Unions ACT Divisional Branch Management Committee.

WESTERN AUSTRALIAN BRANCH

Western Australian State Officers

WA State Secretary	Bill Ethell
Joint WA State President	John Borlini
Joint WA State President	Alex A'Vard
Joint WA State Vice President	Gary Wood
Joint WA State Vice President	A. Baxter
Joint WA State Vice President	Ron Kielty
Joint WA State Vice President	A. Cook
Joint WA State Vice President	K. Reynolds
Joint WA State Assistant Secretary	Rick Todd
Joint WA State Assistant Secretary	Dave McIntyre

WA State Executive

Shall consist of the abovenamed persons listed as WA State Officers.

WA State Conference

Shall consist of those persons listed above as being the WA State Executive and the persons listed herein as members of the both Building Unions Divisional Branches' Management Committees, the members of the UMW WA District Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee.

QUEENSLAND BRANCH

Queensland State Officers

Joint Qld State Secretary	William Trohear
Joint Qld State Secretary	Greg Betts
Joint Qld State President	Andrew Vickers
Joint Qld State President	Peter Stone
Joint Qld State President	Des Holloway
Joint Qld State Senior Vice President	V. Robinson
Joint Qld State Vice President	B. Rushan
Joint Qld State Vice President	Kevin Anderson
Joint Qld State Vice President	Peter Neilson
Joint Qld State Assistant Secretary	Mark Hickey
Joint Qld State Assistant Secretary	Geoff Wilson
Joint Qld State Assistant Secretary	P. Waters

Queensland State Executive

Shall consist of the abovenamed persons listed as Queensland State Officers plus an additional person being the FFTS Union Division Qld Branch Assistant Secretary.

Queensland State Conference

Shall consist of those persons listed above as being the Queensland State Executive and the persons listed herein as members of the Building Unions Queensland Divisional Branch Management Committee, the members of the UMW Divisional Branch Management Committee and the members of the FEDFA Divisional Branch Management Committee and members of the FFTS Union Division Qld Divisional Branch Management Committee.

BUILDING UNIONS DIVISION

DIVISIONAL OFFICERS

Joint Divisional President	A. Littler
Joint Divisional President	B. Ethell
Divisional Secretary	S. Sharkey
Joint Divisional Assistant Secretary	J. Sutton
Joint Divisional Assistant Secretary	L. Fraser
Joint Divisional Senior Vice President	D. McDonald
Joint Divisional Senior Vice President	J. McGirr
Joint Divisional Vice President	C. Bates
Joint Divisional Vice President	M. Bingham
Joint Divisional Vice President	T. Burke

BUILDING UNIONS DIVISIONAL EXECUTIVE

The Divisional Officers of Building Unions Division as set out above, and

W. Trohear	Queensland
M. Cordwell	Tasmania
B. Carslake	South Australia
V. Raffa	Victoria
D. Cafferty	Victoria
G. Wason	Australian Capital Territory
D. Matthews	New South Wales
A. Rankin	New South Wales
B. Ethell	Western Australia
T. Carroll	Plasterers
K. Reynolds	WA Plasterers

BUILDING UNIONS DIVISIONAL CONFERENCE

The Divisional Officers of Building Unions Division and the Divisional Executive as set out above, and the following delegates from Building Unions Divisional Branches:

A. Ferguson	(NSW)	A. Wigchert	(QLD)
P. Grainger	(NSW)	M. Hickey	(QLD)
J. Briggs	(NSW)	T. Richardson	(QLD)
T. Morrison	(NSW)		
T. Mawdsley	(NSW)	F. O'Grady	(VIC)
J. Taylor	(NSW)	R. Williams	(VIC)
I. Smith	(NSW)	M. Kingham	(VIC)
B. Woodham	(NSW)	J. Saddington	(VIC)
T. McDonald	(NSW)		

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E. Boatswain (NSW) R. Todd (WA)

- together with the OPDU Federal Council as at the date of amalgamation.

BUILDING UNIONS DIVISIONAL TRUSTEES

W. Trohear (QLD)
R. Driver (ACT)

BUILDING UNIONS NSW DIVISIONAL BRANCH

Divisional State President	P. McClelland
Divisional State Secretary	D. Matthews
Joint Divisional State Assistant Secretary	A. Ferguson
Joint Divisional State Assistant Secretary	T. Burke
Joint Divisional State Assistant Secretary	A. Rankin
Divisional State Vice President	G. McArthur

BUILDING UNIONS NSW DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners
T. Morrison
J. Pineiro
I. Smith
L. Strutzenberger
M. Barrios

Bridge & Wharf
A. Melnikoff

Tilelayer
L. Quill

Slater & Tiler
M. Murphy

Painters
J. Anning
J. Foster
J. Hoddle

Bricklayers
H.D. Eisenhammer
A. Baxter

Builders Labourers
J. Ashdown
P. Balcombe
I. Gavin
S. Green

Stonemason
S. Cafarella

Plasterer
C. Howarth

BUILDING UNIONS NSW DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and -

Sydney Zone

Sydney Carpenters & Joiners
H. Brazao
P. Bristow
T. Connolly

Country Zone

Country Carpenters & Joiners
L. Allen
R. Wills

P. Eggers
E. Elder
G. Kelly
F. Malis
P. Leyden
A. Zdrilic

Sydney Bricklayers
V. Catania
J. Taylor
M. McAliney

Sydney Builders Labourers
B. Granata
E. Harbidge
G. Sheen
D. Stean
J. McGee
S. Whetter

Country Bricklayer
D. Atkinson

Country Builders Labourer
W. Shipman

Bridge & Wharf
C. Ford

Tilelayers
L. Quill

Slaters & Tilers
M. French

Stonemasons
J. Robinson

Plasterer
K. Andrews

Newcastle Zone

Newcastle Carpenters & Joiners
J. Allen
P. Cuskelly

Newcastle Bricklayer
L. Deeks

Newcastle Builders Labourer
E. Purins

Wollongong Zone

Wollongong Carpenters & Joiners
T. Gray
G. Karry

Wollongong Bricklayer
W. Hall

Wollongong Builders Labourer
M. Ward

BUILDING UNIONS NSW DIVISIONAL BRANCH TRUSTEES

T. Morrison
L. Strutzenberger
S. Green
J. Anning

BUILDING UNIONS NSW DIVISIONAL BRANCH ORGANISERS

B. Miller
P. Grainger
W. Baker
J. Briggs
B. Cochrane
N. Fodor
J. Higgins
J. Curruthers
J. Prentice
J. McKee
T. Hunt
M. Lawler
P. Zaboyak
M. Lynch
S. Manna
T. Mawdsley
D. Sullivan
C. Bates
J. Adams
J. McGahan
B. Beasley

Newcastle: R. Jarman

BUILDING UNIONS NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

T. McDonald
S. Sharkey
D. McDonald
J. Briggs
I. Smith
P. Grainger
J. Taylor
J. Sutton
T. Burke
E. Boatswain
D. Matthews
L. Fraser
C. Bates
A. Ferguson
T. Morrison
T. Mawdsley
B. Woodham

BUILDING UNIONS QLD DIVISIONAL BRANCH

Divisional State President	P. Stone
Divisional State Secretary	W.W. Trohear
Divisional State Assistant Secretary	M. Hickey
Divisional State Assistant Secretary	P. Waters
Divisional State Vice President	K. Anderson
Divisional State Vice President	B. Rushan

BUILDING UNIONS QLD DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

B. Tucker
P. Stone
T. Richardson
R. Bostock
K. Marcus
K. Anderson
B. Hopton
K. Bull
R. Vanderhorst
A. Pountey
F. Pearson
J. Gruer
G. Federer
B. Hall
G. Horn
B. McGill
M. Edwards

BUILDING UNIONS QLD DIVISIONAL BRANCH TRUSTEES

P. Stone
T. Richardson
R. Bostock
R. Vanderhorst

BUILDING UNIONS QLD DIVISIONAL BRANCH ORGANISERS

W. Perrett
D. Kersey
T. Richardson
K. Murphy
K. Carroll
G. Howcroft
A. Wigchert

BUILDING UNIONS QLD DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. Trohear
A. Wigchert

M. Hickey
T. Richardson

BUILDING UNIONS WA DIVISIONAL BRANCH

Divisional State President	A. Baxter
Divisional State Secretary	B. Ethell
Divisional State Assistant Secretary	R. Todd

BWIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

N. Houston	T. Bird
P. Alcantara	H. Johnson
B. Churchill	M. Banks
B. Freeman	J. Giles

BWIU WA DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

Perth
G. Curtin
R. Gaskell
C. Knight
B. Waller
A. De Klerk
M. Floud
N. Drayton
A. Hughes
K. Bulloch
J. Fitzgerald

Fremantle/Medina
C. Gorham
A. Phillips
J. Allison
P. Fairbotham
J. Curran

South West
J. McDonell

BWIU WA DIVISIONAL BRANCH ORGANISERS

D. Wildgoose
J. Gallagher

BWIU WA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Ethell
R. Todd

BUILDING UNIONS WA PLASTERERS DIVISIONAL BRANCH

Divisional State President	Mark Hudston
Divisional State Secretary	Kevin Reynolds
Divisional Branch Delegate to National Conference	Kevin Reynolds
Divisional State Vice President	Roy Cox
Divisional Committee of Management	James Hamilton
	Michael Naughton
Divisional Branch Organiser	Robert Manwaring

BUILDING UNIONS TAS DIVISIONAL BRANCH

Divisional State President	Stephen Hevey
Divisional State Secretary	Max Cordwell
Divisional State Assistant Secretary	T. Benson
Joint Divisional State Vice President	Ray Browne
Joint Divisional State Vice President	Ray Carroll
Joint Divisional State Vice President	M. Collins

BUILDING UNIONS TAS DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Adrian Telha	Paul Ridgeway
Roy Smedley	Grant Jackson
Ray Carroll	Gary Taylor
R. Edwards	L. Verrell

BUILDING UNIONS TAS DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

002 Area	003 Area
C. Green	A.J. Smith
A. Currie	L. Edwards
R. Dillon	P. Harris

004 Area

W. Maloney
B. Knowles
R. Doe

BUILDING UNIONS TAS DIVISIONAL BRANCH TRUSTEES

Max Cordwell	Stephen Hevey
Ray Browne	Adrian Telha
R. C. Edwards	A. R. Benson

BUILDING UNIONS TAS DIVISIONAL BRANCH ORGANISERS

Mark Telha
Martin Clifford
Ray Carroll

BUILDING UNIONS TAS DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

M. Cordwell

BUILDING UNIONS VIC DIVISIONAL BRANCH

Divisional State President	F. O'Grady
Divisional State Secretary	V. Raffa
Divisional Branch Assistant Secretaries	M. Kingham M. Bingham
Divisional State Vice President	B. Oliver

BUILDING UNIONS VIC DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners	**Builders Labourers**	**Painters**
R. Williams	T. Sinclair	M. Baird
R. Carter	R. Ryan	M. Garcia
G. Lavery	J. Nicol	K. B. Hughes
D. Van Dam	P. Lennon	P. Boyle
M. Santana	M. Bingham	M. Evans
W. Torpey	M. Ratel	
D. Noonan		
B. Giagnacovo		

Tilelayer	**Stonemason**
Z. Prazac	M. Newham

BUILDING UNIONS VIC DIVISIONAL BRANCH COUNCIL

Carpenters & Joiners	**Builders Labourers**
V. Nicoli	T. Bockting
K. Green	G. Young
D. Black	G. Miles
A. Moore	D. Noonan
W. Oliver	K. Hughes
H. Kotsabis	J. Bruce
D. Jacobson	J. McPartlin
G. Preddy	C. Leatham
D. Shacklock	

Stonemasons	**Tilelayers**
A. Patience	O. Kypta
G. Slack	Z. Prazak

Zone Delegates

Ballarat	Bendigo
V. Broes	T. Coleman
L. Brown	N. Pyle
N. Davidson	L. Worme

Brunswick	Camberwell
M. Kingham	J. Baysinger
W. McConnel	R. Bentley
F. Stradijot	S. Mitchell

Clifton Hill	Essendon
F. Amarante	D. Deprisco

R. Collins
S. West

T. Hancy
V. Raffa

Footscray
P. Leckie
F. Lopez
R. Storey

Geelong
J. Cody
J. O'Mara
B. Roche

Goulburn Valley
C. Craig
A. Kerris
P. O'Flaherty

Latrobe Valley
V. Beaton
M. Smith
A. Nabulsi

Melbourne
R. Carter
M. Santana
G. Tsotsos

Mordialloc
G. Burleigh
I. Nichol
P. Sullivan

Murray Valley
L. Fahey
S. Masterson
J. Salinger

Oakleigh
L. Bacolas
J. Medlyn
B. Smith

Preston
M. Collingburn
R. Lucas
N. Porter

Prahran
B. Giagnacovo
A. Medina
S. Delaney

Richmond
D. Blake
C. Commons
R. Hakainsson

South Western
K. O'Connor
A. Sargent
G. Sullivan

Sunraysia
A. Boldock
D. Costa
M. Dawes

Wimmera
R. Nesibit
G. Scott
A. Patterson

BUILDING UNIONS VIC DIVISIONAL BRANCH TRUSTEES

M. Kingham
B. Oliver
Vacant

M. Bingham
F. O'Grady
M. Baird

BUILDING UNIONS VIC DIVISIONAL BRANCH ORGANISERS

R. Welsh
T. Sinclair
R. Storey
W. Bingham
A. Medina
D. Jacobson
D. Noonan
P. Muldeary

H. Kotsabis
R. Carter
T. O'Kane
D. Riddell
G. Young
M. Kingham
M. Garcia

BUILDING UNIONS VIC DIVISIONAL BRANCH DELEGATES DIVISIONAL CONFERENCE

F. O'Grady
M. Kingham
V. Raffa
R. Williams
J. Saddington
M. Bingham

BUILDING UNIONS SA DIVISIONAL BRANCH

Divisional State President	A. Johnson
Divisional State Secretary	B. Carslake
Divisional State Vice President	G. Millar
Divisional State Vice President	D. Stapleton
Divisional State Assistant Secretary/Treasurer	T. Carroll
Divisional State Assistant Secretary/Treasurer	J. McGirr

BUILDING UNIONS SA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

BWIU	PLASTERERS	PAINTERS
F. Gosden	G. Parrish	George Tilley
T. Karrandjis	R. Watson	Greg Tilley
C. Morton	R. Bennett	Lambden
D. Sellmann	A. Spano	Weir
T. Middleton	S. Kesisoglou	McEwan
		Evans

BUILDING UNIONS SA DIVISIONAL BRANCH ORGANISERS

M. Gnatenko
H. Koemecker
M. Bella

BUILDING UNIONS SA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Carslake

BUILDING UNIONS ACT DIVISIONAL BRANCH

Divisional State President	R. Driver
Divisional State Secretary	G. Wason
Joint Divisional State Assistant Secretary	S. Hambesis
Joint Divisional State Assistant Secretary	T. Zeltner
Divisional State Vice President	K. Lundy
Divisional State Vice President	J. McHugh

BUILDING UNIONS ACT DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Pyner
A. Dillon
J. Long
J. Grey Reitz
D. Rail
G. Roderick

T. Lagoya
J. Diamante
G. McGowan-Lay
P. Johnstone
L. Lancsar
B. Larke
G. Cleghorn
P. Trapani

BUILDING UNIONS ACT DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

D. Thompson
B. Norman
C. Kaskoutas
M. Morgan
T. Gooden
G. Kirkwood
G. Frasin
W. Thompson
J. Clyde
R. Hemsley

BUILDING UNIONS ACT DIVISIONAL BRANCH TRUSTEES

G. Wason
S. Hambesis
G. McGowan-Lay
R. Driver
K. Lundy

BUILDING UNIONS ACT DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

G. Wason

ATAIU DIVISIONAL BRANCH OFFICE HOLDERS

ATAIU DIVISIONAL OFFICERS

Divisional President	G. Hillier
Divisional Secretary	T. Smith
Divisional Assistant Secretary	C. Northover
Divisional Senior Vice President	S. Murphy
Joint Divisional Vice President	P. Illidge
Joint Divisional Vice President	B. King

ATAIU DIVISIONAL TRUSTEES

J. Tuckwell
V. Stargatt
Q. Cook

Who form the Divisional Executive, and who with the following form the Divisional Conference

A. Roberg (SA)
C. Butler (TAS)
J. Gallogley (NSW)
M. Schuppan (NSW)
J. Beeson (VIC)
E. Swainston (VIC)
A. Dunlop (Pulp & Paper)
M. St Clair (SA)
B. Anderson (NSW)
J. Quartermaine (NSW)
B. Campbell (NSW)
B. Murpy (VIC)
M. Graham (Pulp & Paper)

ATAIU SA DIVISIONAL BRANCH

ATAIU SA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Young
Divisional Branch Secretary	Q. Cook
Divisional Branch Vice Presidents	M. St Clair
	A. Roberg

ATAIU SA DIVISIONAL BRANCH TRUSTEES

E. Cathro	P. Martinella
J. Nicks	

Who form the Executive.

ATAIU SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

L. Barry	T. Goodrich
L. Kilsby	F. Beimans
G. Schultz	L. Pelkonen
B. Lockwood	

ATAIU SA DIVISIONAL COUNCIL DELEGATES

M. St Clair	A. Young
T. Smith	Q. Cook

ATAIU NSW DIVISIONAL BRANCH

ATAIU NSW DIVISIONAL BRANCH OFFICERS

Divisional President	B. Anderson
Divisional Secretary	G. Hillier
Divisional Assistant Secretary	J. Tuckwell
Divisional Vice Presidents	G. Sacco
	J. Gallogley

ATAIU NSW DIVISIONAL BRANCH TRUSTEES

S. McDonald	M. Schuppan
B. Campbell	

Who are officers and form the Executive.

ATAIU NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

W. Englert	K. Yelverton
S. Hudson	J. Quartermain
W. Sentance	C. McGowan
C. Brooks	

ATAIU NSW DIVISIONAL COUNCIL DELEGATES

G. Hillier	B. Anderson
J. Gallogley	S. McDonald
J. Quartermain	K. Yvelton
B. Campbell	

ATAIU VIC DIVISIONAL BRANCH

ATAIU VIC DIVISIONAL OFFICERS

Divisional President	V. Stargatt
Divisional Secretary	B. King
Divisional Vice Presidents	V. Iluk
	E. Swainston

ATAIU VIC DIVISIONAL BRANCH TRUSTEES

J. Beeson	T. Carley
B. Murphy	

ATAIU VIC DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

J. Browne	B. Harms
P. Love	R. Owens
T. Stinton	C. Walkear
S. Wilson	P. Tait

ATAIU VIC DIVISIONAL COUNCIL DELEGATES

V. Stargatt	M. Lynch
J. Beeson	E. Swainston
B. Murphy	

ATAIU TAS DIVISIONAL BRANCH

ATAIU TAS DIVISIONAL BRANCH OFFICERS

Divisional President	C. Butler
Divisional Secretary	S. Murphy
Divisional Vice Presidents	R. Ford
	D. Turriff

ATAIU TAS DIVISIONAL BRANCH TRUSTEES

C. Butler	S. Cahoon
R. Smith	

ATAIU TAS DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

M. Barber	S. Cahoon
R. Foster	R. French
D. Harkes	N. Lincoln
B. Riley	R. Smith

ATAIU TAS DIVISIONAL COUNCIL DELEGATES

C. Butler	S. Murphy

ATAIU WA DIVISIONAL BRANCH

ATAIU WA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Cook
Divisional Branch Secretary	A. A'Vard
Divisional Branch Vice President	D. Murie
Divisional Branch Treasurer	R. Taylor

ATAIU WA DIVISIONAL BRANCH TRUSTEES

P. McCarthy	K. Smith
R. Henry	

ATAIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

R. J. Smith	C. Hagelund
R. Reiter	K. Cameron
V. McGlinn	J. Savage
G. P. Jaeschke	M. Bennett
W. J. Hall	

ATAIU NO. 7 DIVISIONAL BRANCH

ATAIU NO. 7 DIVISIONAL BRANCH OFFICERS

Divisional Branch President	P. Illidge
Divisional Branch Secretary/Treasurer	C. Northover
Divisional Branch Assistant Secretary/Treasurer	M. Graham
Divisional Vice Presidents	A. Dunlop
	R. Johnson

ATAIU NO. 7 DIVISIONAL BRANCH TRUSTEES

C. Northover	M. Graham

ATAIU NO. 7 DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

D. Garlick	G. Aston
T. Mackerell	G. Morley
N. Anderson	C. Glaubitz
N. Allen	D. McKay
M. Donoghue	P. Graham
J. Wright	T. Kelly
W. Hardy	G. Lincoln
G. Draper	T. Dwyer

ATAIU NO. 7 DIVISIONAL COUNCIL DELEGATES

C. Northover	M. Graham
P. Illidge	

ATAIU NOWRA SUB-BRANCH

President	Peter Graham
Senior Vice President	Harry Knowles
Junior Vice President	Tim Cato
Secretary-Treasurer	Mervyn Donoghue
Committee of Management	Rhonda Shelley
	Jim Evans
	Ray Clarke
	Alan Whitton
Delegate to No. 7 Branch Committee of Management	Mervyn Donoghue
	Peter Graham

ATAIU BURNIE SUB-BRANCH

President	George Draper
Senior Vice President	Barry Connors
Junior Vice President	Eric Edwards
Secretary-Treasurer	Geoffrey Lincoln
Committee of Management	
Alan Claridge	Graham Wells
Anthony Johnson	Andrew Crawn
Jack Wylie	Russell Norton
Danny Rowlands	Richard Troughton
Noel Stubbs	Rex Berry
Delegate to No. 7 Branch Committee of Management	Geoffrey Lincoln
	George Draper

ATAIU PORT HUON SUB-BRANCH

President	Barry Young
Senior Vice President	Colin McMullin
Junior Vice President	Jeff Parsons
Secretary-Treasurer	Wayne Hardy
Committee of Management	
Neville Burgess	Graeme Goaman
David Greatbatch	Ricky Cowen
Delegate to No. 7 Branch Committee of Management	Wayne Hardy

ATAIU MYRTLEFORD SUB-BRANCH

President	Vacant
Senior Vice President	Bruce Dale
Junior Vice President	Paul Ryan
Secretary-Treasurer	Trevor Dwyer

Committee of Management	Oliver Evans
	Colin Richardson
	Trevor Davis
	Robert Arnold
	Christopher Stone
Delegate to No. 7 Branch Committee of Management	Trevor Dwyer

ATAIU MARYVALE SUB-BRANCH

President	Neville Anderson
Senior Vice Persident	Charles Glaubitz
Junior Vice President	Cidge Fabris
Secretary/Treasurer	Graeme Morley

Committee of Management

Steven Gilham	Robert Brown
Vernon Jones	Charles Stuart
Geoffrey Dorling	Brian McNamara
Peter Morris	Steven Mason
Wayne Snell	Vincent Nabel

Delegates to No. 7 Branch Committee of Management	Neville Anderson
	Charles Glaubitz
	Graeme Morley
Delegates Gippsland Trades & Labour Council	Graeme Morley
	Vernon Jones
	Brian McNamara
	Robert Brown

ATAIU SYDNEY SUB-BRANCH

President	Donald McKay
Senior Vice Pesident	Ron McElhinney
Junior Vice President	Edward Pram
Secretary-Treasurer	Philip Illidge

Committee of Management

William Daly	Les Smith
William Flowers	Anthony De Bono
Harry Marshall	Wayne Trewella
Mark Skennerton	Joseph Bodor

Delegates to No. 7 Branch Committee of Management	Philip Illidge
	Donald McKay

ATAIU BROADFORD SUB-BRANCH

President	Vacant
Senior Vice President	Vacant
Junior Vice President	Vacant
Secretary-Treasurer	Len Allen
Committee of Management	Garry Nesbitt
	Terry Hobson
	Alan Cole
	Craig Waters
Delegate to No. 7 Branch Committee of Management	Len Allen

ATAIU MILLICENT SUB-BRANCH

President	John Wright
Senior Vice Pesident	Trevor Kelly
Junior Vice President	Richard Watts
Secretary-Treasurer	Robert Johnston
Committee of Management	Michael King
	Graeme Richards
	Mavis Kloock
	Graeme Richardson
	Gilbert Mouat
	Helen Walker
Delegates to No. 7 Branch Committee of Management	John Wright
	Trevor Kelly
	Robert Johnston

ATAIU MELBOURNE SUB-BRANCH

President	David Garlick
Senior Vice President	George Ashton
Junior Vice President	Vacant
Secretary-Treasurer	Alexander Dunlop
Committee of Management	
William Horton	Stan Mazur
Terry Mackerell	Steve Morris
Tom Donelly	Ian James
Alex Miller	Michael Adamopolous
Delegates to No. 7 Branch Committee of Management	Alexander Dunlop
	David Garlick
	George Aston

Delegates to Victorian Trades Hall Council	Alexander Dunlop William Horton Terry Mackerell Malcolm Graham

UMW DIVISION

In accordance with Rule 42 - Transitional Provisions of the Rules of the Union being the National Rules the officers of the previously existing Mining Division immediately prior to the date of effect of the amalgamation shall be, on and from the date of effect of amalgamation the officers of the UMW Division which is the new name for the previous Mining Division and the only change therein shall be, to the extent necessary, the change in the title of office to reflect the change in the name of the Division from Mining Division to UMW Division.

FEDFA DIVISION

DIVISIONAL OFFICERS

Divisional President	M. McDonald
Divisional Secretary	V. Fitzgerald
Divisional Assistant Secretary	T. Maher

FEDFA DIVISIONAL EXECUTIVE

The Divisional Officers of FEDFA Division as set out above, and

I. Peel	New South Wales
J. Van Camp	Victoria
G. Betts	Queensland
G. Day	South Australia
B. O'Neil	Barrier
M. Grey	Tasmania
D. McIntyre	Western Australia

FEDFA DIVISIONAL CONFERENCE

The Divisional Officers of FEDFA Division and the Divisional Executive as set out above, and the following delegates from FEDFA Divisional Branches:

T. Maher	(NSW)
P. Jordan	(NSW)
B. Neilson	(VIC)
M. Hill	(VIC)
D. Holloway	(QLD)
G. Purtill	(QLD)
L. Wilson	(QLD)
B. Samson	(Barrier)
M. Buckley	(SA)
B. Low	(WA)
R. Harrison	(TAS)

FEDFA NSW DIVISIONAL BRANCH

Divisional Branch President	M. Smith
Divisional Branch Secretary	I. Peel
Divisional Branch Assistant Secretary	S. Gartrell

FEDFA NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above,

FEDFA NSW DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and regional delegates and organisers stated below,

Metropolitan
P. Wormleaton
R. Johnson
B. Francis
D. Whitehead
D. Dunn

Northern Region
N. Rose
M. Sealby
G. Webb
D. Owens
J. Nixon

Southern Region
K. Anderson
B. Barnham
G. Freeman
T. Potter

Western Area
R. Fuller
W. Williams

FEDFA NSW DIVISIONAL BRANCH ORGANISERS

Metropolitian
G. Avouris
T. Grant
S. Cochran

Northern
M. Beehag
S. Harding
L. Sinclair

Riverina
S. King
J. Wilson

Western
G. Childs

Southern
H. Miller

Mining
P. Jordan

Energy
A. Drew

FEDFA NSW DIVISIONAL BRANCH TRUSTEES

D. Dunn
L. Robinson
J. Owens

FEDFA NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

V. Fitzgerald

T. Maher
P. Jordan
I. Peel

FEDFA VICTORIAN DIVISIONAL BRANCH

Divisional Branch President	M. McDonald
Divisional Branch Secretary	J. Van Camp
Divisional Branch Assistant Secretary	M. Greenbury
Divisional Branch Vice President	M. Hill

FEDFA VICTORIAN DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

M. French
D. McDonald
D. Baker
J. Kadziela
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional Officers as set out above, and -

SECV Yallourn
P. Wilson

SECV Morwell
G. Reid

SECV LaTrobe
(vacant)

Country Provisional
W. Fleet
M. French
T. McKenzie
P. Skinner

Metropolitian
D. Baker
J. Kadziela

Organisers Rep.
A. Riley
M. Hallett
D. McDonald
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH ORGANISERS

W. Fleet
M. French
R. Hallett
M. Hill
A. Riley

TRUSTEES

M. McDonald
J. Van Camp

FEDFA VICTORIAN DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

J. Van Camp
M. McDonald
M. Hill
B. Nielson

FEDFA BARRIER DIVISIONAL BRANCH

Divisional Branch President	B. Samson
Divisional Branch Secretary	W. O'Neil
Divisional Branch Vice President	R. Hunter

FEDFA BARRIER DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above,

FEDFA BARRIER DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

D. Brennan	R. Adams
A. Fraser	B. Sayers
E. Snaith	

FEDFA BARRIER DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. O'Neil	B. Samson

TRUSTEES

R. Adams	B. Sayer
E. Snaith	

FEDFA TASMANIAN DIVISIONAL BRANCH

Divisional Branch President	B. Bishop
Divisional Branch Secretary	M. Grey

FEDFA TASMANIAN DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and - D. Dawson

FEDFA TASMANIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

Launceston	**Hobart**
D. Dawson	M. Hyland
Devonport	**Tullah**
(vacant)	T. Jones
Burnie	**Savage River**
L. Britton	R. Harrison
Rosebery/Lyell	**Organisers**
N. Hartnell	D. Moncrieff
	B. Best

FEDFA TASMANIAN DIVISONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

M. Grey R. Harrison

FEDFA WA DIVISONAL BRANCH

Divisional Branch President (vacant)
Divisional Branch Secretary (vacant)

FEDFA WA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

FEDFA WA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

P. Bates I. Douglas
T. Feeney D. Hellyer

FEDFA WA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

B. Low
(vacant)

FEDFA SA DIVISIONAL BRANCH

Divisional Branch President G. Bull
Divisional Branch Secretary G. Day
Divisional Branch Vice President F. Stonys

FEDFA SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Rogers R. Brewer

FEDFA SA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

J. Rodgers K. Maywald
F. Grosso F. Harrison
R. Brewer

ORGANISER

R. Brewer

FEDFA SA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

G. Day
M. Buckley

FEDFA QUEENSLAND DIVISONAL BRANCH

Divisional Branch President	D. Holloway
Divisional Branch Secretary	G. Betts
Divisional Branch Assistant Secretary	G. Wilson

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

S. Douglas	B. Scheuber
C. Swift	R. Coleman
L. Wilson	J. Spencer

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch State Management Committee as set out above, and -

M. Dowvendans	T. Quaid
L. Genrich	N. Rampton
R. Beattie	H. Heumiller
J. Rossington	C. Price
(vacant)	

FEDFA QUEENSLAND DIVISIONAL BRANCH ORGANISERS

D. Bloxsom	H. Heumiller
G. Flack	C. Price
C. Gillespie	T. Rosier
J. Rossington	B. Stacker
R. Tremlin	

FEDFA QUEENSLAND DIVISIONAL BRANCH TRUSTEES

D. Holloway	S. Douglas
G. Betts	L. Wilson

FFTS UNION DIVISION

DIVISIONAL OFFICERS

Divisional President	A. Findlay
Divisional Secretary	L. Kyriacou
Divisional Assistant Secretary	M. Haritou
Divisional Senior Vice-President	S. Wales
Divisional Junior Vice-President	D. Frater

FFTS UNION DIVISIONAL EXECUTIVE

The Divisional Officers of the FFTS Union Division as set out above, and

A. Smith	New South Wales
V. Robinson	Queensland

FFTS UNION DIVISIONAL CONFERENCE

The Divisional Officers of the FFTS Union Division and the Divisional Executive as set out above, and the following delegates from the FFTS Union Divisional Branches;

W. Brown (VIC)
M. Findlay (VIC)
R. Smith (NSW)
R. Groat (SA)
A. Cookson (QLD)
R. Orange (TAS)

FFTS UNION VIC. DIVISIONAL BRANCH

Divisional Branch President	M. Mitten
Divisional Branch Secretary	L. Kyriacou
Divisional Branch Assistant Secretary	A. Findlay
Divisional Branch Senior Vice-President	W. Brown
Divisional Branch Junior Vice-President	C. Avent
Divisional Branch Organiser	M. Haritou
Divisional Branch Organiser	R. Shugg

FFTS UNION VIC. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch Officers as set out above and -

A. Frazer	N. Hazeldine
G. Lee	P. Linzos
J. Maines	J. O'Brien
J. Patti	J. Robins
I. Whitcroft	L. Zanandrea
J. Calvert	

FFTS UNION NSW DIVISIONAL BRANCH

Divisional Branch President	R. Smith
Divisional Branch Secretary	S. Wales
Divisional Branch Assistant Secretary	R. Smith
Divisional Branch Vice-President	J. Callaway
Divisional Branch Organiser	Jack Lawrence

FFTS UNION NSW DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

J. Campbell	R. Davies
K. Campbell	W. Kraan
Robert Cumbo (Trustee)	Harry Irvine (Trustee)

FFTS UNION S.A. DIVISIONAL BRANCH

Divisional Branch President	R. Groat
Divisional Branch Secretary	D. Frater
Divisional Branch Assistant Secretary	S. Rowe
Divisional Branch Senior Vice-President	J. Emery

Divisional Branch Junior Vice-President	A. Reeves
Divisional Branch Organiser	S. Rowe
Divisional Branch Organiser	P. Wong
Divisional Branch Organiser	T. Woods

FFTS UNION S.A. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

B. Billington	M. Brownlie
P. Crisanti	A. Czora
A. Howlett	J. Salter
G. Whitford	

FFTS UNION QLD DIVISIONAL BRANCH

Divisional Branch President	G. William
Divisional Branch Secretary	V. Robinson
Divisional Branch Vice-President	A. Amos
Divisional Branch Assistant Secretary	A. Cookson

FFTS UNION QLD. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and - G. Dawson

FFTS UNION TAS DIVISIONAL BRANCH

Divisional Branch President	S. Negus
Divisional Branch Secretary	J. Gill
Divisional Branch Assistant Secretary	R. Orange
Divisional Branch Vice-President	C. Schoenwald
Additional Divisional Branch Executive member	W. Picken
Additional Divisional Branch Executive member	P. Green

FFTS UNION TAS DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

C. Sproule
W. Bandlow

END OF RULES

[105N-FED: incorporates alterations of 28/10/2003 in matter R2003/277]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 92 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the Construction, Forestry, Mining and Energy Union
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1 - NAME

The name of the Union shall be the "Construction, Forestry, Mining and Energy Union".

2 - CONSTITUTION

(A)(A)The Union shall consist of an unlimited number of persons whether male or female

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in

paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;
(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union shall consist of an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

(l) persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connexion with the production or preparation of manufactured goods, plant, machinery, equipment, packages or containers for sale or purposes of distribution.

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker

Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due

south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the:

(i) The Union shall also consist of all persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) The Union shall also consist of an unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board,strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) The Union shall also consist of such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby the Union shall also consist of an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members.

(E) Without limiting the generality of the foregoing and without being limited thereby the Union shall consist of:-

(a) An unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river, and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Union or a branch of the Union or whilst financial members of the Union are elected as representatives of any working-class organisation to which the Union or a branch thereof is affiliated, or as a working-class member of Parliament.

Provided that mobile crane drivers, operators of fork lifts and/or tow motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

(b) Further, provided that, without limiting the generality of the foregoing the Union shall also consist of the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connexion with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and

employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, the Union shall consist of employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the Union shall consist of an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation

and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work

Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler,

generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery

and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees
performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

4 - OBJECTS

1. To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial and social legislation.

2. To regulate the conditions under which all members, of the Union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or association, or association of Trades Unions or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Branches, Divisions, Divisional Branches, Sub-Branches, Districts or Sections of the Union throughout the Commonwealth of Australia.

7. To further any scheme that has for its object the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labour and Trade Union newspapers and wireless broadcasting and television stations, and to invest in shares in such newspapers and radio and television stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide labour or Trade Union Organisation or Association.

10. To establish and manage a Union Journal or Journals.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

14. To render legal and other assistance to members for the recovery of wages or compensation for injuries, to protect the interests of the trade in all its Branches, and to assist other trades by any legal method.

15. To obtain such other objects as the National Conference or National Executive shall from time to time determine.

16. To organise the education of members.

17. To establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Divisional or Divisional Branches.

18. The advancement of members intellectually, morally and socially and to do all things which, in the opinion of the Union, is in the interest of members including donations to political parties, the achievement of compulsory unionism, preference in employment, retrenchment, promotion, demotion and transfer in employment, the production and distribution of newspapers, journals and the like.

19. To achieve such other objects as may be lawfully adopted by any Division of the Union.

20. To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

"UNION" shall mean this Union and shall include all its Divisions, Branches, Divisional Branches and/or any other section or part of the Union.

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"PROPORTIONAL REPRESENTATION" shall mean a system of representation at Committees, Conferences, Executives or the like which, as far as practicable, will provide for voting on a basis which

reflects the number or percentage of financial members, as calculated in accordance with these rules, that each person on such Committee, Conference, Executive or the like, represents.

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

> In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.
>
> If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast then that candidate shall be declared elected.
>
> If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.
>
> If a candidate has then an absolute majority of votes then that candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the vote preferences shall continue until one candidate has received an absolute majority of votes.
>
> In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.
>
> The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Mining and Energy Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Workplace Relations Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

(ii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Rules of the Union may require, and shall, when requested, fill in and sign such application form as may be provided.

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v)(a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of

application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

(vii) A member shall, when applying for membership be informed of the financial obligations arising from membership and the circumstances, and the manner, in which a member may resign from the organisation and shall be informed of such in writing.

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be

reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

(ii) Any member who has failed to pay the entrance fees, or contributions, levies and fines imposed in accordance with the rules of the union on or before the date specified in such rules, shall be deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant for admission or exercise any authority or any membership rights, provided that the rules may provide that some members or some class or classes of members may vote in a ballot and/or may differentiate between classes of members as to the amount of any contribution and/or entrance fee.

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.202 of the

Industrial Relations Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

(i) A member desiring to transfer to any other union covering their calling shall make application to the Divisional Branch Secretary, or where the rules of the union so provide, Divisional Sub-Branch, in writing, and shall pay all dues owing to the union, and the transfer will be forwarded to the Secretary of the union to which the member desires to transfer. Such member shall cease to be a member of this Union as from the date on which the transfer is forwarded to the Secretary of such other union.

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

(iii) A clearance shall not be granted to any member unless all moneys owing have first been paid.

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

A register of members and any other records of the Union required to be kept by the Industrial Relations Act and the Regulations made thereunder shall be kept at the registered office of the Union and so far as such records relate to a Division or Divisional Branch at the registered office of that Division or Divisional Branch.

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from

amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.
Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one

calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telegram or telex.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, telephonic, telegraphic, telex, verbal and/or written vote (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) The National Executive Committee shall consist of the National Principal Officers, being the National Secretary of the CFMEU, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Forestry, Furnishing, Building Products and Manufacturing Division, the General President of the Mining and Energy Division; together with the fulltime elected Officers of each Division who are fulltime at the National level and are not already one of the aforementioned National Principal Officers; two (2) Divisional Assistant Secretaries of the Forestry, Furnishing, Building Products and Manufacturing Division, one of whom shall be the Principal Officer of the Pulp and Paper Industry Sector and the other of whom shall be the Principal Officer of the Furnishing Industry Sector; and the Divisional President, and two (2) Divisional Assistant Secretaries of the Construction and General Division if not otherwise included.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive and National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six (6). A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a telegraphic, telex, facsimile, telephonic, email, written and/or postal vote of members of the National Executive or National Executive Committee at any time. Members of the National Executive or National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or telegram or telex or facsimile or email or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or email.

15 - NATIONAL EXECUTIVE

(i) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

(ii) The National officers shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

(iv) The National Executive shall, unless its actions are overturned by the National Conference, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds and property of the Union and shall have and may exercise no more and no less than all of the powers of the National Conference and, without limiting the generality of the foregoing may:

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Industrial Relations Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the

National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

* in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

16 - ELECTION OF NATIONAL OFFICERS

(i) The National Secretary, National Assistant Secretary and National President shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, for Divisions with more than one Divisional Branch, each Division shall be represented by at least one Officer.

Further provided that, for Division with more than one Divisional Branch, each Division shall hold at least one position of Joint Vice President as follows:

* Joint Vice President (Construction and General Division)
* Joint Vice President (FFPD Division)
* Joint Vice President (Mining & Energy Division)

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions by resolution from that Division's National Conference.

Further provided that there shall be a Principal Officer of the FFPD Division representing the former FFTS Division who shall be a National Senior Vice-President. Such officer shall be and remain a member of the National Executive and the National Executive Committee.

Further provided that the Construction & General Division Senior Vice-President (Builders Labourers) shall be a National Senior Vice-President and shall be and remain a member of the National Executive and National Executive Committee.

Further provided that the Construction & General Division Senior Vice-President (former National Secretary of the OPDU) shall be a National Senior Vice-President and shall be and remain a member of the National Executive and National Executive Committee.

All full-time officers of each Division, not otherwise elected to any of the foregoing positions, shall be and remain members of the National Executive Committee.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by post, letter, telegram, telephone, telex, facsimile and/or verbally as soon as the count is completed.

(ix) Provision to be made for the representatives of Divisions to cast votes proportionate to the membership of the respective Division in any ballot for the election of National Officers.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(ii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iii) Except in the case of the Mining & Energy Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) Nominations for the position of Divisional Branch delegates of the Divisional Conference shall be called for by the Divisional Branch Returning Officer by notification in the union journal or in one daily newspaper circulating in the capital city in each Branch on or before the last day of August of every fourth (4th) year commencing as on and from the last day of August 1996.

Provided that such advertisement shall clearly indicate that the Divisional Executive and full time Divisional Officers are elected by and from members of the Divisional Conference, that the members of the Divisional Executive make up the National Conference and that National Officers are made up of the principal officers of each Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) Any member desiring to nominate for the position of Divisional Branch delegate to Divisional Conference shall apply either personally or in writing to the Divisional Branch Returning Officer for a nomination form. Such forms shall be signed by the candidate and by two financial members and forwarded by certified mail to the Divisional Branch Returning Officer or handed personally at the Divisional Branch office or, in the case of an election conducted by the Australian Electoral Commission, at the office nominated by it, and a receipt thereupon obtained.

Nominations shall be closed at 4pm on the last Friday of September 1996 or such other date as may be provided for in any Divisional Rules, and each four (4) years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on that date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) Officers of all Divisional Branches holding such office at the date of amalgamation shall remain in office until the general election of officers held in 1996 and shall be eligible to nominate in that election. In this paragraph officers of all Divisional Branches shall mean officers of branches of the amalgamating unions being the persons listed in the schedule hereto.

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a

candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall on a date which will enable the ballot paper to be posted not later than fourteen (14) clear days before the closing date of the ballot, send by either certified mail or prepaid ordinary mail to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by each Divisional Branch Secretary, and that envelope shall contain only the following documents:

(a) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(b) an empty unsealed pre-paid post envelope addressed to the Divisional Branch Returning Officer, c/- the numbered mail box referred to in this rule;

(c) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Branch Returning Officer may consider necessary;

(d) The candidates statement provided for in accordance with sub-rule (iii) (h) hereof.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed to have closed as at 30th September. Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the 30th September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Branch Returning Officer that they have paid all contributions, levies and fines prior to the 30th September shall be entitled to receive a ballot paper.

(r) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, the officer shall cause the lock to be changed.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

"Preferential Voting" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter gives as their first preference, and shall place the number 2, 3, 4 (and so on as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the preference for them. In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate. If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference. If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preference shall be the same as is above prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except Mining and Energy Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(ii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iii) The Divisional Officers at a national level shall be members of that Divisional Executive.

(iv) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

Any Officer may be removed from office by majority decision of the National Executive, provided that such officer shall not be dismissed from office unless found guilty, in accordance with the Rules of the

Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

Any officer so removed from office shall have the right of appeal to the National Conference. In the event of the appeal being upheld the National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

   National Executive shall:

   Determine the question to be submitted to the members and the form of the ballot paper.

   Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

   Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

   No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

   In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS

1. The following sets out the duties of the National Officers outlined herein. The National Secretary shall be a full time position. The wages and costs relating to the office of the full time officer shall be borne by the Union.

2. National President:

   The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

   The National President shall have a deliberative vote only.

   The National President shall perform all duties assigned to him/her by the National Conference or National Executive and shall be responsible with the National Secretary for the allocation of duties and responsibilities arising from decisions of the National Conference or the National Executive.

3. National Secretary:

   The National Secretary shall be responsible for the general correspondence of the Union, National finance, filing of documents, industrial returns and the carrying out of decisions made by National Conference or National Executive.

   The National Secretary shall have the power, subject to decisions of the National Executive and/or National Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the National Office and allocate duties and responsibilities within the National Office.

   The National Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the National Office, together with a statement of the assets and liabilities of the National Office for the year ending 31st December in each year.

   Such financial statement shall be presented to the National Executive for its approval and be published within the journal of the National Union.

   The National Secretary shall carry out such other functions as shall be determined from time to time by the National Conference or National Executive.

   The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretary:

   National Assistant Secretary shall perform all duties assigned to him/her by National Conference and National Executive. He/She shall attend all meetings of National Conference and National Executive.

5. Senior Vice-President:

   The Senior Vice-President shall assist the National President in the conduct of meetings and shall preside in the absence of the National President, and shall carry out such other duties as shall be determined from time to time by the National Conference or the National Executive.

6. Vice-President/s:

The Vice-Presidents shall assist the National President/s or Senior Vice-President/s in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

They shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

7. Members of National Executive and Delegates to National Conference:

Members of National Executive and delegates to National Conference shall attend meetings of those bodies when summoned so to do.

8. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

Provided that each Division/Divisional Branch is responsible to meet all costs associated with the operation of its Division/Divisional Branch, including all costs associated with the attendance and participation by their representatives at meetings, including National Conference, National Executive Committee unless decided otherwise by the National Executive Committee.

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. No funds shall be drawn from the Bank or financial institution except by cheque signed by two persons who are a National Secretary, National Assistant Secretary, National President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President or National Assistant Secretary. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name

of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

The Auditor shall, in the report, draw attention of the National Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Union.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

25 - ALTERATION OF RULES

(a) The rules of the Union, or any of them, may be altered, rescinded, varied or made by the National Conference and/or National Executive. Proposals for alterations of rules may be forwarded by Divisions, Branches or any member of the National Executive or delegate to the National Conference and shall be forwarded to members and/or delegates with the notice calling the National Conference or National Executive, as the case may be, or so soon thereafter as is practicable. Provided that National Conference or National Executive may, in session, alter rules of which previous notice has not been given.

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telegraphic, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Industrial Relations Act (Commonwealth) or the regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the Industrial Relations Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

These National Rules and all the rules of the Union, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisions, Branches, and Divisional Branches and all sections of the Union and on all members who now, or who may hereafter, belong to the Union until they are made or become null and void according to the law.

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each division shall have autonomy in relation to its funds and property.

(iv) Each Division shall have rules and have power to make, alter or rescind such rules, to be called Divisional Rules. Without limiting the generality of the foregoing paragraph, each Division shall have power to determine policy for that Division, not inconsistent with the rules and policy of the Union as decided by National Conference or National Executive.

(v) If there is any environmental matter that directly affects the employment of members of one Division only, then that Division whose members are so affected shall have the power to determine the policy of the Union on that matter.

(vi) Divisions shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland, New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.202 of the Industrial Relations Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of state unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or

National Assistant Secretary or any person authorised by a National Secretary or National President or National Assistant Secretary so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary or any person authorised by a Divisional Secretary or Divisional Assistant Secretary may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, Divisional Secretary or Divisional Assistant Secretary, or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests issued by a Divisional Secretary or Divisional Assistant Secretary or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National Assistant Secretary, National President, Divisional Secretary and/or Divisional Assistant Secretary shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 361 Kent Street, Sydney in the State of New South Wales, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

Where a Division ceases to exist and the Union continues, the property of that defunct Division shall be vested in the Division to which the members of the defunct Division are allocated.

Where the Union is dissolved the property of the Union shall be vested in the trustees of each existing Division at the time of dissolution for the benefit of the members thereof on the basis that each such Division will continue to hold its own property and funds and any property or funds not vested at the time of dissolution in a Division shall be divided between the existing Divisions on a basis proportionate to the membership of each such Division.

35 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members may be sued for in the name of the Union by the National Secretary or by the Divisional Secretary, or Divisional Branch Secretary to which the member is attached, or by any other person or body authorised by the rules of the Union including the rules of any Divisional Branch or the Rules of any Division.

36 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy shall be decided by a majority of the National Conference or National Executive and shall not exceed $50.00 and when so decided shall be binding on all members or sections of members as National Conference or National Executive may decide.

(iii) A Division or Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

(a) If the National Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a rule, to a vote of National Conference or National Executive at any time when it is inconvenient to call National Executive or National Conference together, the National Secretary may submit a resolution dealing with the matter to the delegates or members, by letter, facsimile, telegram, telephone, email, in writing, by computer link and/or by any other means of communication.

(b) A copy of such resolution shall, as soon as practicable thereafter, be sent to each Branch Secretary and each Divisional Secretary. The votes on such resolution shall be returnable to the National Secretary at such time as the National Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.

(c) Provided that where no record can be kept of the vote and/or decision, such a record shall be created and a copy of that record sent to each person entitled to vote or, in the case of computer linkages, the record is such that it can be viewed and/or copied by the person entitled to vote.

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

1. All motions shall be of an affirmative character and must be moved and seconded by delegates or members. Such motions become the property of Conference or Executive and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates or members present agree to an extension of time.

2. Unless a delegate or member rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

3. A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

4. A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

5. Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

6. All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chairperson's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

   If the votes are equal the question is resolved in the negative.

7. A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates or members present agree to an extension of time.

8. Right of Speaker: Any delegate desiring to speak shall rise and address the chairperson. If two or more delegates or members rise at the same time the chairperson shall call upon the one who, in the Chairperson's opinion, first rose. Provided that no delegates or members can speak more than once upon any question (which shall include the original motion and all amendments thereto) before Conference or Executive, except -

   (a) In reply as the mover of the original motion.
   (b) In explanation or correction of some matter during the debate.
   (c) Upon a point of order raised during the debate.
   (d) Upon a resolution being carried "that the delegate now be heard".

9. A delegate or member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by that delegate or member.

10. No more than two delegates or members shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

11. Any delegate or member speaking shall at once resume their seat -

   (a) If the chairperson rises to speak; or
   (b) If a point of order is raised.

   and shall not resume their speech until the point of order is decided.

12. No delegate or member may speak to any question after it has been put by the chairman or during the taking of the vote.

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of Conference.

CHAIRPERSON'S RULINGS

The chairperson's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by Conference or Executive. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the delegates or members present for Conference or Executive to suspend the order of business.

SITTING AS A COMMITTEE

Conference or Executive may at any time, by a resolution agreed to by a majority of delegates or members present, resolve itself into a committee of the whole. The rules governing the business of Conference or Executive shall be observed when in Committee.

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

The National Executive, the State Executive, a Divisional Executive or a Divisional Branch Management/Executive Committee may, in their absolute discretion, summon meetings of members over which they have authority and/or responsibility from time to time.

If such meeting is called notice shall be given in a union journal circulating in the area covering the members to which the meeting relates or in a mass circulation daily newspaper circulating in the area in which the meeting is to be held and such publication shall be issued at least fourteen days before the date of the meeting. The notice of such meeting shall specify the day, the date, the time and the place of such meeting.

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the Industrial Relations Act 1988, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, telex, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee, following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted

(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) deleted

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - Divisional Restructuring (FEDFA)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps which steps may deal with one Division at a time, Divisional Branches within a Division and/or the Divisional Office of any particular Division.

2. In relation to the above, the FEDFA Division shall be restructured in steps which shall involve:

(a) The abolition of full-time Divisional Officers at a national level and the allocation of responsibility for the FEDFA Division between the Building Unions Division and the UMW Division;

(b) The allocation of full-time Divisional Officers of the FEDFA Division to the Building Unions Division and the UMW Division;

(c) The continued operation of the Divisional Branches of the FEDFA Division with the intent, over time, of the restructuring of said Divisional Branches in accordance with Rule 42, into the Building Unions/Construction and General Division, UMW/Mining & Energy Division and the ATAIU/Forestry Division;

(d) The payment of capitation fees by FEDFA Divisional Branches to a designated fund which shall be administered by the Divisional Secretary of the FEDFA Division or, if or when that Office is abolished by the former Divisional Secretary and the Divisional Secretaries of the Building Unions and/or Construction and General Division and the UMW and/or Mining and Energy Division.

(e) The continued meeting of the Division Executive of the FEDFA Division for so long as is necessary before the complete restructuring of the FEDFA Division is effected in accordance with Rule 42.

3. On and from 27 September 1993, in accordance with the above procedure, the current Divisional Secretary of the FEDFA Division shall be and become the Divisional President of the Building Unions Division and the current Divisional Assistant Secretary of the FEDFA Division shall be and become a Divisional General Vice-President of the UMW Division and upon translation in accordance with Rule 42 (iii), shall hold the corresponding offices in the Construction and General Division and the Mining & Energy Division respectively.

4. The current Divisional Secretary and Divisional Assistant Secretary of the FEDFA Division shall continue to hold those positions in the FEDFA Division on an honorary basis until such time as the FEDFA Division no longer meets on a national basis.

5. This Rule shall come into force after its adoption by the National Executive and agreement thereto by the FEDFA Divisional Executive, UMW Divisional Executive and Building Unions Divisional Executive and thereupon shall be registered with the Australian Industrial Registry and shall take effect upon registration, or 27 September 1993, whichever is the later.

6. Further to the above provisions, and notwithstanding any other rule of the Union to the contrary, during the process of restructuring, any Divisional Branch of the FEDFA Division may reach agreement with any or all of the UMW Division/Mining & Energy Division and/or the Building

Unions Division/Construction and General Division and/or the Forestry Division or the relevant Divisional Branches thereof to transfer members and officers of the FEDFA Division to any and/or all of the other aforementioned Divisions. Such agreement shall be reached with the approval of the Management Committee or its equivalent in each Divisional Branch and the officers concerned. Any such Divisional Branch may reach agreement on some or all of the matters relating to such transfer and, failing agreement on any or all of such matters, refer the matters by agreement to the National Executive for decision. Until such time as there no longer exists an FEDFA Division in accordance with the Rules of the Union, all such officers transferred shall, notwithstanding the holding of positions in other Divisions, continue to hold the office or position in the FEDFA Division on an honorary basis and shall, to the extent that the Rules require same, continue to perform the functions associated with that office in relation to the FEDFA Division. All agreements in relation to the transfer of members and officers shall be notified to the National Executive Committee and attached to the Minutes thereof. Such agreements shall have force and effect in accordance with the terms thereof and from the date of effect of that agreement as specified in that agreement, or failing any specification thereof, on the date of the agreement.

7. The following table shows the restructuring of the FEDFA Division, merging with the appropriate Union Division to create Industry Divsions:

	(	merged with	)
STATE	CONSTRUCTION AND GENERAL	MINING AND ENERGY	FORESTRY
National Office	27 Sept 1993	27 Sept 1993	
Queensland	4 Feb 1994	1 Jan 1993	
New South Wales		Northern 2/4/93 Southern 1/7/93 Western 8/4/93 Energy 21/7/93	
Tasmania	31 July 1996	24 August 1996	1 Jan 1994
Sth Aust	1 Aug 1993	1 Aug 1993	
West Aust	1 Sept 1993	1 Sept 1993	
Victoria	1 Aug 2003	2 Jan 2001	
Barrier		1 July 1996	

42B - Merger with ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case

of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DIVISIONAL RESTRUCTURING (FFTS)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps, such steps may deal with one Division at a time and/or Divisional Branches within a restructured Division at a time.

2. In relation to the above, the FFTS Division shall on and from the 11th February 2002, be restructured in the first instance into the Forestry Division to form "The Forestry, Furnishing, Building Products and Manufacturing Division" (FFPD) which shall result in:

   (a) The abolition of full-time FFTS Divisional Officers at a national level and the allocation of responsibility for the FFTS Division to the restructured Division.

   (b) The allocation of Divisional/Branch Office Holders of the FFTS Division to the Office Holders positions of the restructured Division.

   (c) The continued operation of the Victorian and Queensland Divisional Branches of the FFTS Division within the restructured Division of up to four years beyond the expiration of the eight years referred to in sub-rule 42(xii). This sub-rule shall not otherwise affect the operation of sub-rule 42(xii). For the avoidance of doubt, the four years referred to in this sub-rule shall expire on 26 March 2005.

3. Further to the above provisions and notwithstanding any other rule of the Union to the contrary, the FFTS Victorian Branch shall unless otherwise agreed by the FFTS Victorian Branch Management Committee maintain its current structure and existence within the restructured Division up until 26 March 2005.

4. Prior to the 26 March 2005, the FFPD (which shall include representatives of the former FFTS Division) and the Construction & General Division (which shall include representatives from the National Office and all interested Branches) will meet under the chairpersonship of the National Secretary of the CFMEU to reach agreement to finalise translation/integration provisions intended by the respective Schemes of Amalgamation and the Rules of the Union in respect to the Forestry, FFTS and C&G Divisions.

5. Should agreement not be reached between the Divisions the matter shall be referred to the CFMEU National Executive to determine in accordance with the Schemes of Amalgamation and Rules of the Union.

6. Until the elections scheduled to be held in August 2004 the FFPD shall be constituted and represented as follows:-

(a) Divisional Conference shall consist of:-

(i) Forestry Division Representatives

Trevor Smith	SA	Jane Calvert	VIC
Paul Martinella	SA	Andy Laing	VIC
Mark Nicholls	SA	Ian Mullen	VIC
Brenton Lockwood	SA	Michael O'Connor	VIC
Scott McLean	TAS	Brad Platschinda	VIC
Colin Butler	TAS	Bevan Anderson	NSW
Gary Jaeschke	WA	Bruce Campbell	NSW
Christopher Northover	P&P	Craig Smith	NSW
Phillip Illidge	P&P	Eileen Anderson	NSW
Alex Millar	P&P	Kenneth Miller	NSW
Debbie Brennan	P&P		

(ii) FFTS Division Representation

Jim Emery	SA	Leo Skourdoumbis	VIC
David Kirner	SA	Frank Vari	VIC
Brad Parker	NSW	Joe Patti	VIC
Greg Williams	QLD	Cliff Palmer	VIC
John O'Brien	VIC	Alwin Seneviratne	VIC

(iii) Representation

Representation of the Forestry and FFTS Division Branches shall be in accordance with Rule 8 of the Forestry Division Rules.

(b) Divisional Executive shall consist of:-

(i)

Jane Calvert	Divisional President
Phillip Illidge	Divisional Snr V/President
Brad Parker	Divisional V/President
Craig Smith	Divisional V/President
Trevor Smith	Divisional Secretary
Chris Northover	Divisional Snr Assistant Secretary (Honorary)
Michael O'Connor	Divisional Assistant Secretary
Leo Skourdoumbis	Divisional Assistant Secretary (Honorary)
Kenneth Miller	Divisional Trustee
Dave Kirner	Divisional Trustee
Frank Vari	Divisional Trustee
Scott McLean	Divisional Trustee
Paul Martinella	Divisional Executive Member
Greg Williams	Divisional Executive Member
Gary Jaeschke	Divisional Executive Member

(c) FFPD NSW Branch Executive/Committee of Management

Brad Parker	Joint President (full-time)
Bevan Anderson	Joint President (Honorary)
Bruce Campbell	Snr V/President
Jayne Willet	Jnr V/President (AA)
Tom Abramovic	Jnr V/President
Craig Smith	Secretary
Sala Taalilil	Trustee

Eileen Anderson	Trustee (AA)
Peter Reilly	Trustee
Ronnie Watson	Trustee
Kenneth Miller	Trustee
Alan Lanyon	Committee Member
Barry Barrakett	Committee Member
Cheryl Hampton	Committee Member
Kerry Hickey	Committee Member
Mark Thompson	Committee Member
Michael Schuppan	Committee Member
Peter StClair	Committee Member
Anthony Ovington	Committee Member

(2 Vacant COM positions to be filled by FFTS)

(d) (a) FFPD VIC FFTS Branch Executive/Committee of Management

Joe Patti	President
Cliff Palmer	V/President
John O'Brien	V/President
Leo Skourdoumbis	Secretary
Frank Vari	Assistant Secretary
Michael Doran	Trustee
Ernie Landolt	Trustee
Les Ford	Trustee
Florencio P Carrion	Committee Member
Eric Maher	Committee Member
Jeffery Connor	Committee Member
Brenda Crawford	Committee Member
Penny Lintzos	Committee Member
James Maine	Committee Member
Alwin Seneviratne	Committee Member
Greg Wheeler	Committee Member
Chris Christou	Committee Member
Damian Cooke	Committee Member
Ian Morris	Committee Member

(b) FFPD VIC Forestry Branch Executive/Committee of Management

Andy Laing	President
Ian Mullen	Snr V/President
Andrew Wareham	V/President
Kim Mason	V/President (AA)
Jane Calvert	Secretary
Yorick Piper	Assistant Secretary
Kevin Wyley	Trustee
Clare Burford	Trustee (AA)
Ken Tonkin	Trustee
Mark Nelson	Trustee
Ricky Owens	Committee Member
Bob Salmnon	Committee Member
Wayne Smith	Committee Member
Neil Saunders	Committee Member
David Sheppard	Committee Member
Sunsera Verhoven	Committee Member
Anthony Jones	Committee Member
Duncan Ingram	Committee Member

Graeme Howe	Committee Member

(1 vacant COM AA position to be filled)

(e) FFPD Pulp & Paper Branch Executive/Committee of Management

Phillip Illidge	President
Robert Johnston	Snr V/President
Alex Millar	Jnr V/President
Chris Northover	Secretary/Treasurer
Grant Keys	Trustee
Chris Northover	Trustee
Alex Millar	Trustee
Geoff Gasperotti	Committee Member
Wayne Hardy	Committee Member
Andrew Ball	Committee Member
Greg Stewart	Committee Member
David Jessup	Committee Member
Mervyn Donoghue	Committee Member
Tom Blacka	Committee Member
Craig Waters	Committee Member
Ken Fraser	Committee Member
William Davey	Committee Member
Greg Godde	Committee Member
Trevor Sinclair	Committee Member
Marne Gurney	Committee Member

(f) FFPD SA Branch Executive & Committee of Management

Jim Emery	President
Mark Nicholls	Snr V/President
Tony Howlett	V/President
Maree Gale	V/President
Paul Martinella	Secretary
David Kirner	Assistant Secretary
Steve Crafter	Trustee
Tom Kenny	Trustee
Ross Bennetta	Trustee
Leonie Kiploks	Trustee (AA)
Karen Cory	Committee Member
Mark Vickers	Committee Member
Peter Nelson	Committee Member
Greg Muhovics	Committee Member
Andrew Sampson	Committee Member
Kym Isaacson	Committee Member
Peter Starr	Committee Member
Bill Burns	Committee Member
Bernie Maguire	Committee Member
Laurie Barbary	Committee Member

(1 Vacant COM AA position to be filled by FFTS)

(g) FFPD TAS Branch Executive & Committee of Management

Colin Butler	President
Angela Lord	Snr V/President
Narrelle Bassett	V/President (AA)
Anthony Clay	V/President

Scott McLean	Secretary
Shiralee Gillespie	Trustee (AA)
Ronald Brown	Trustee
Leanne Hardy	Trustee (AA)
Lindsay Hills	Trustee
Robert Bowden	Committee Member
Paul Worker	Committee Member
Peter Mason	Committee Member
Margaret Watson	Committee Member
Kylie Dundas	Committee Member
Joseph Kelly	Committee Member
Anthony Barnes	Committee Member
Adrian Littlejohn	Committee Member

(h) FFPD QLD Branch Executive/Committee of Management

Ursula Korableff	President
Desmond Flanagan	V/President
Stephan Williams	V/President
Greg Williams	Secretary
Rodney Black	Committee Member
Vincent Breen	Committee Member
John Forrest	Committee Member

(i) FFPD WA Branch Executive/Committee of Management

John Rudge	President
Vincent Preedy	Snr V/President
Douglas Ashcroft	V/President
Gary Jaeschke	Secretary (Honorary)
John Cleary	Trustee
Garry Rampling	Trustee

7. This rule shall come into force on and from 11 February 2002 in accordance with the unanimous decision of the National Executive and shall be registered with the Australian Industrial Registry.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State or Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS

(i) The State Officers, being the State Secretary, the State Assistant Secretary, the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

Nothing in this Rule prevents the Branch from entering into an agreement with a Trade or Industrial Union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or on a basis on which the funds are held in common or jointly so long as the funds are treated, for all purposes, insofar as they relate to members of the Branch, as funds of the Branch.

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

The Auditor shall, in the aforesaid report, draw attention of the State Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Branch.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made pursuant thereto.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

SCHEDULE OF OFFICERS REFERRED TO IN RULE 42 (xiv) (a)

POSITION	PERSON TO HOLD POSITION
NATIONAL UNION	
** Joint National Secretary	Stanley Sharkey
** Joint National Secretary	Vic Fitzgerald
** Joint National President	John Maitland
** Joint National President	Trevor Smith
** National Assistant Secretary	John Sutton
** National Senior Vice President	Lou Kyriacou
* National Senior Vice President	Albert Littler

National Senior Vice President	Bill Ethell
Joint National Vice President	Christopher Northover
Joint National Vice President	Kenneth Hawkins
Joint National Vice President	Malcolm McDonald
Joint National Vice President	Thomas Burke
* FEDFA Divisional Assistant Secretary	Tony Maher
* BWIU/Plasterers Divisional Assistant Secretary	Lindsay Fraser
* ATAIU Divisional Assistant Secretary	Chris Northover
* UMW Divisional General Secretary	Eric A Wilks
* UMW Divisional Vice President	Kenneth Hawkins

NATIONAL EXECUTIVE COMMITTEE shall consist of the six (6) principal officers (marked **) plus the other full-time Divisional Officers of each Division (marked *).

NATIONAL EXECUTIVE shall consist of the persons who constitute the National Executive Committee set out above and the Divisional Branch Secretary of each Divisional Branch of each Division set out herein and shall, in accordance with Rule 42 (viii) (a) include the National President and National Secretary of the former OPPWF. This body shall also include the Divisional Branch Secretaries from Victoria, New South Wales, South Australia and Queensland of the FFTS Union Division.

It also includes the South Australian, Victoria and Queensland Branch Secretaries and the NSW Branch Assistant Secretary of the former OPDU.

NATIONAL CONFERENCE shall consist of the persons listed as the members of the four (4) divisional executives set out herein until 2 January 1997, the following shall also be a delegate,

T. Richardson - Secretary of former OPPWF, Queensland Branch.

The National Conference shall also include the persons (as set out herein) comprising the Federal Executive of the FFTS Union Division while that Union Division remains autonomous.

BRANCHES OF THE UNION

NEW SOUTH WALES BRANCH

New South Wales State Officers

Joint NSW State Secretary	Dennis Matthews
Joint NSW State Secretary	Ian Peel
Joint NSW State President	Gavin Hillier
Joint NSW State President	Michael Watson
Joint NSW State Assistant Secretary	Andrew Ferguson
Joint NSW State Assistant Secretary	Alf Rankin
Joint NSW State Senior Vice President	Thomas Burke
Joint NSW State Senior Vice President	Peter McClelland

Joint NSW State Senior Vice President	Edward Curran
Joint NSW State Senior Vice President	Sid Wales
Joint NSW State Vice President	Bevan Anderson
Joint NSW State Vice President	Howard Fisher
Joint NSW State Vice President	Mick Smith
Joint NSW State Vice President	Gary McArthur

New South Wales State Executive

Shall consist of the abovenamed persons being the NSW State Officers together with the persons who are the full-time Divisional Branch officers, other than organisers, of each Divisional Branch, being,

ATAIU NSW Divisional State Assistant Secretary, Joyce Tuckwell
FEDFA NSW Divisional State Assistant Secretary, Scott Gartrell
FFTS NSW Union Divisional State Assistant Secretary, Rex Smith

New South Wales State Conference

Shall consist of the persons who constitute NSW State Executive as listed above (i.e. including NSW State Officers) and the persons being the other members of ATAIU NSW Divisional Branch Management Committee and the Building Unions NSW Divisional Branch Management Committee and the UMW Divisional Branch Management Committee, and the FEDFA NSW Divisional Branch Management Committee and the FFTS Union Division NSW Branch Management Committee listed herein.

VICTORIAN BRANCH

Victorian State Officers

Joint Vic State Secretary	John Van Camp
Joint Vic State Secretary	Vince Raffa
Joint Vic State President	Barry King
Joint Vic State President	Lou Kyriacou
Joint Vic State Assistant Secretary	Martin Kingham
Joint Vic State Assistant Secretary	Vacant
Vic State Senior Vice President	Frank O'Grady
Joint Vic State Vice President	Vilma Stargatt
Joint Vic State Vice President	Malcolm McDonald
Joint Vic State Vice President	Alex Findlay
Joint Vic State Vice President	Vacant

Victorian State Executive

Shall consist of the abovenamed persons being the Victorian Divisional Officers, Building Unions Victorian Divisional State Assistant Secretary and the FEDFA Victorian Divisional State Assistant Secretary plus FFTS Union Division Victorian Divisional Branch Senior Organiser.

Victorian State Conference

Shall consist of the persons who constitute the persons being the other members of the ATAIU Victorian Divisional Branch Management Committee, the BWIU Victorian Divisional Branch Management Committee and the FEDFA Victorian Branch Management Committee and the FFTS Union Division Victorian Divisional Branch Management Committee listed herein.

SOUTH AUSTRALIAN BRANCH

South Australian State Officers

SA State Secretary	Ben Carslake
SA State President	Quentin Cook
Joint SA Senior State Vice President	A. Johnson
Joint SA Senior State Vice President	D. Frater
Joint SA State Vice President	A. Young
Joint SA State Vice President	G. Bull
Joint SA State Vice President	D. Stapleton
Joint SA State Assistant Secretary	Terry Carrol
Joint SA State Assistant Secretary	Geoff Day
Joint SA State Assistant Secretary	J. McGirr

South Australian State Executive

Shall consist of the abovenamed persons being South Australian State Officers and

ATAIU SA Divisional Branch Assistant Secretary
FFTS SA Divisional Branch Assistant Secretary

South Australian State Conference

Shall consist of the persons who constitute South Australian State Executive set out above and the persons being the other members of the ATAIU South Australian Divisional Branch Management Committee, the Building Unions South Australian Divisional Branch Management Committee the FFTS Union Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee listed herein.

TASMANIAN BRANCH

Tasmanian State Officers

Joint Tas State Secretary	Max Cordwell
Joint Tas State Secretary	Mike Grey
Joint Tas State President	Shayne Murphy
Joint Tas State President	Leonard Miles
Tas State Senior Vice President	Stephen Hevey
Joint Tas State Vice President	J. Gill
Joint Tas State Vice President	Colin Butler
Joint Tas State Vice President	M. Collins
Joint Tas State Vice President	David Bean
Joint Tas State Vice President	Barry Bishop
Joint Tas State Vice President	Ray Carroll
Tas State Assistant Secretary	

Tasmanian State Executive

Shall consist of the Full Time Tasmanian State Officers.

Tasmanian State Conference

Shall consist of the persons listed as the Tasmanian State Executive set out above and, the other persons being the persons listed as members of the ATAIU Tasmanian Divisional Branch

Management Committee, UMW Tasmanian Divisional Branch Management Committee, the Building Unions Tasmanian Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee and the FFTS Union Division Tasmanian Branch Management Committee listed herein.

AUSTRALIAN CAPITAL TERRITORY BRANCH

ACT State Officers

ACT State Secretary	George Wason
ACT State President	Rod Driver
Joint ACT State Vice President	Kate Lundy
Joint ACT State Vice President	J. McHugh
Joint ACT State Assistant Secretary	Trevor Zeltner
Joint ACT State Assistant Secretary	Stan Hambesis

ACT State Executive

Shall consist of the abovenamed persons listed as ACT State Officers.

ACT State Conference

Shall consist of those persons listed above as being the ACT State Executive and the other persons listed herein as members of the Building Unions ACT Divisional Branch Management Committee.

WESTERN AUSTRALIAN BRANCH

Western Australian State Officers

WA State Secretary	Bill Ethell
Joint WA State President	John Borlini
Joint WA State President	Alex A'Vard
Joint WA State Vice President	Gary Wood
Joint WA State Vice President	A. Baxter
Joint WA State Vice President	Ron Kielty
Joint WA State Vice President	A. Cook
Joint WA State Vice President	K. Reynolds
Joint WA State Assistant Secretary	Rick Todd
Joint WA State Assistant Secretary	Dave McIntyre

WA State Executive

Shall consist of the abovenamed persons listed as WA State Officers.

WA State Conference

Shall consist of those persons listed above as being the WA State Executive and the persons listed herein as members of the both Building Unions Divisional Branches' Management Committees, the members of the UMW WA District Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee.

QUEENSLAND BRANCH

Queensland State Officers

Joint Qld State Secretary	William Trohear
Joint Qld State Secretary	Greg Betts
Joint Qld State President	Andrew Vickers
Joint Qld State President	Peter Stone
Joint Qld State President	Des Holloway
Joint Qld State Senior Vice President	V. Robinson
Joint Qld State Vice President	B. Rushan
Joint Qld State Vice President	Kevin Anderson
Joint Qld State Vice President	Peter Neilson
Joint Qld State Assistant Secretary	Mark Hickey
Joint Qld State Assistant Secretary	Geoff Wilson
Joint Qld State Assistant Secretary	P. Waters

Queensland State Executive

Shall consist of the abovenamed persons listed as Queensland State Officers plus an additional person being the FFTS Union Division Qld Branch Assistant Secretary.

Queensland State Conference

Shall consist of those persons listed above as being the Queensland State Executive and the persons listed herein as members of the Building Unions Queensland Divisional Branch Management Committee, the members of the UMW Divisional Branch Management Committee and the members of the FEDFA Divisional Branch Management Committee and members of the FFTS Union Division Qld Divisional Branch Management Committee.

BUILDING UNIONS DIVISION

DIVISIONAL OFFICERS

Joint Divisional President	A. Littler
Joint Divisional President	B. Ethell
Divisional Secretary	S. Sharkey
Joint Divisional Assistant Secretary	J. Sutton
Joint Divisional Assistant Secretary	L. Fraser
Joint Divisional Senior Vice President	D. McDonald
Joint Divisional Senior Vice President	J. McGirr
Joint Divisional Vice President	C. Bates
Joint Divisional Vice President	M. Bingham
Joint Divisional Vice President	T. Burke

BUILDING UNIONS DIVISIONAL EXECUTIVE

The Divisional Officers of Building Unions Division as set out above, and

W. Trohear	Queensland
M. Cordwell	Tasmania
B. Carslake	South Australia
V. Raffa	Victoria
D. Cafferty	Victoria
G. Wason	Australian Capital Territory
D. Matthews	New South Wales
A. Rankin	New South Wales

B. Ethell	Western Australia
T. Carroll	Plasterers
K. Reynolds	WA Plasterers

BUILDING UNIONS DIVISIONAL CONFERENCE

The Divisional Officers of Building Unions Division and the Divisional Executive as set out above, and the following delegates from Building Unions Divisional Branches:

A. Ferguson	(NSW)	A. Wigchert	(QLD)
P. Grainger	(NSW)	M. Hickey	(QLD)
J. Briggs	(NSW)	T. Richardson	(QLD)
T. Morrison	(NSW)		
T. Mawdsley	(NSW)	F. O'Grady	(VIC)
J. Taylor	(NSW)	R. Williams	(VIC)
I. Smith	(NSW)	M. Kingham	(VIC)
B. Woodham	(NSW)	J. Saddington	(VIC)
T. McDonald	(NSW)		
E. Boatswain	(NSW)	R. Todd	(WA)

- together with the OPDU Federal Council as at the date of amalgamation.

BUILDING UNIONS DIVISIONAL TRUSTEES

W. Trohear	(QLD)
R. Driver	(ACT)

BUILDING UNIONS NSW DIVISIONAL BRANCH

Divisional State President	P. McClelland
Divisional State Secretary	D. Matthews
Joint Divisional State Assistant Secretary	A. Ferguson
Joint Divisional State Assistant Secretary	T. Burke
Joint Divisional State Assistant Secretary	A. Rankin
Divisional State Vice President	G. McArthur

BUILDING UNIONS NSW DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners
T. Morrison
J. Pineiro
I. Smith
L. Strutzenberger
M. Barrios

Bridge & Wharf
A. Melnikoff

Tilelayer
L. Quill

Slater & Tiler
M. Murphy

Bricklayers
H.D. Eisenhammer
A. Baxter

Builders Labourers
J. Ashdown
P. Balcombe
I. Gavin
S. Green

Stonemason
S. Cafarella

Plasterer
C. Howarth

Painters
J. Anning
J. Foster
J. Hoddle

BUILDING UNIONS NSW DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and -

Sydney Zone

Sydney Carpenters & Joiners
H. Brazao
P. Bristow
T. Connolly
P. Eggers
E. Elder
G. Kelly
F. Malis
P. Leyden
A. Zdrilic

Sydney Bricklayers
V. Catania
J. Taylor
M. McAliney

Sydney Builders Labourers
B. Granata
E. Harbidge
G. Sheen
D. Stean
J. McGee
S. Whetter

Country Zone

Country Carpenters & Joiners
L. Allen
R. Wills

Country Bricklayer
D. Atkinson

Country Builders Labourer
W. Shipman

Bridge & Wharf
C. Ford

Tilelayers
L. Quill

Slaters & Tilers
M. French

Stonemasons
J. Robinson

Plasterer
K. Andrews

Newcastle Zone

Newcastle Carpenters & Joiners
J. Allen
P. Cuskelly

Newcastle Bricklayer
L. Deeks

Newcastle Builders Labourer
E. Purins

Wollongong Zone

Wollongong Carpenters & Joiners
T. Gray
G. Karry

Wollongong Bricklayer
W. Hall

Wollongong Builders Labourer
M. Ward

BUILDING UNIONS NSW DIVISIONAL BRANCH TRUSTEES

T. Morrison
L. Strutzenberger
S. Green
J. Anning

BUILDING UNIONS NSW DIVISIONAL BRANCH ORGANISERS

B. Miller
P. Grainger
W. Baker
J. Briggs
B. Cochrane
N. Fodor
J. Higgins
J. Curruthers
J. Prentice
J. McKee
T. Hunt
M. Lawler
P. Zaboyak
M. Lynch
S. Manna
T. Mawdsley
D. Sullivan
C. Bates
J. Adams
J. McGahan
B. Beasley

Newcastle: R. Jarman

BUILDING UNIONS NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

T. McDonald
S. Sharkey
D. McDonald
J. Briggs
I. Smith
P. Grainger
J. Taylor
J. Sutton
T. Burke
E. Boatswain
D. Matthews
L. Fraser
C. Bates
A. Ferguson
T. Morrison
T. Mawdsley
B. Woodham

BUILDING UNIONS QLD DIVISIONAL BRANCH

Divisional State President — P. Stone
Divisional State Secretary — W.W. Trohear
Divisional State Assistant Secretary — M. Hickey
Divisional State Assistant Secretary — P. Waters
Divisional State Vice President — K. Anderson
Divisional State Vice President — B. Rushan

BUILDING UNIONS QLD DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

B. Tucker
P. Stone
T. Richardson
R. Bostock
K. Marcus
K. Anderson
B. Hopton
K. Bull
R. Vanderhorst
A. Pountey
F. Pearson
J. Gruer
G. Federer
B. Hall
G. Horn
B. McGill
M. Edwards

BUILDING UNIONS QLD DIVISIONAL BRANCH TRUSTEES

P. Stone

T. Richardson
R. Bostock
R. Vanderhorst

BUILDING UNIONS QLD DIVISIONAL BRANCH ORGANISERS

W. Perrett
D. Kersey
T. Richardson
K. Murphy
K. Carroll
G. Howcroft
A. Wigchert

BUILDING UNIONS QLD DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. Trohear
A. Wigchert
M. Hickey
T. Richardson

BUILDING UNIONS WA DIVISIONAL BRANCH

Divisional State President	A. Baxter
Divisional State Secretary	B. Ethell
Divisional State Assistant Secretary	R. Todd

BWIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

N. Houston
P. Alcantara
B. Churchill
B. Freeman
T. Bird
H. Johnson
M. Banks
J. Giles

BWIU WA DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

Perth
G. Curtin
R. Gaskell
C. Knight
B. Waller
A. De Klerk
M. Floud
N. Drayton
A. Hughes
K. Bulloch
J. Fitzgerald

Fremantle/Medina
C. Gorham
A. Phillips
J. Allison
P. Fairbotham
J. Curran

South West
J. McDonell

BWIU WA DIVISIONAL BRANCH ORGANISERS

D. Wildgoose
J. Gallagher

BWIU WA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Ethell
R. Todd

BUILDING UNIONS WA PLASTERERS DIVISIONAL BRANCH

Divisional State President	Mark Hudston
Divisional State Secretary	Kevin Reynolds
Divisional Branch Delegate to National Conference	Kevin Reynolds
Divisional State Vice President	Roy Cox
Divisional Committee of Management	James Hamilton
	Michael Naughton
Divisional Branch Organiser	Robert Manwaring

BUILDING UNIONS TAS DIVISIONAL BRANCH

Divisional State President	Stephen Hevey
Divisional State Secretary	Max Cordwell
Divisional State Assistant Secretary	T. Benson
Joint Divisional State Vice President	Ray Browne
Joint Divisional State Vice President	Ray Carroll
Joint Divisional State Vice President	M. Collins

BUILDING UNIONS TAS DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Adrian Telha	Paul Ridgeway
Roy Smedley	Grant Jackson
Ray Carroll	Gary Taylor
R. Edwards	L. Verrell

BUILDING UNIONS TAS DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

002 Area	003 Area
C. Green	A.J. Smith
A. Currie	L. Edwards
R. Dillon	P. Harris

004 Area

W. Maloney
B. Knowles
R. Doe

BUILDING UNIONS TAS DIVISIONAL BRANCH TRUSTEES

Max Cordwell	Stephen Hevey
Ray Browne	Adrian Telha
R. C. Edwards	A. R. Benson

BUILDING UNIONS TAS DIVISIONAL BRANCH ORGANISERS

Mark Telha
Martin Clifford
Ray Carroll

BUILDING UNIONS TAS DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

M. Cordwell

BUILDING UNIONS VIC DIVISIONAL BRANCH

Divisional State President	F. O'Grady
Divisional State Secretary	V. Raffa
Divisional Branch Assistant Secretaries	M. Kingham M. Bingham
Divisional State Vice President	B. Oliver

BUILDING UNIONS VIC DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners	**Builders Labourers**	**Painters**
R. Williams	T. Sinclair	M. Baird
R. Carter	R. Ryan	M. Garcia
G. Lavery	J. Nicol	K. B. Hughes
D. Van Dam	P. Lennon	P. Boyle
M. Santana	M. Bingham	M. Evans
W. Torpey	M. Ratel	
D. Noonan		
B. Giagnacovo		

Tilelayer	**Stonemason**
Z. Prazac	M. Newham

BUILDING UNIONS VIC DIVISIONAL BRANCH COUNCIL

Carpenters & Joiners	**Builders Labourers**
V. Nicoli	T. Bockting
K. Green	G. Young
D. Black	G. Miles
A. Moore	D. Noonan
W. Oliver	K. Hughes
H. Kotsabis	J. Bruce
D. Jacobson	J. McPartlin
G. Preddy	C. Leatham
D. Shacklock	

Stonemasons	**Tilelayers**
A. Patience	O. Kypta
G. Slack	Z. Prazak

Zone Delegates

Ballarat	Bendigo
V. Broes	T. Coleman

L. Brown
N. Davidson

N. Pyle
L. Worme

Brunswick
M. Kingham
W. McConnel
F. Stradijot

Camberwell
J. Baysinger
R. Bentley
S. Mitchell

Clifton Hill
F. Amarante
R. Collins
S. West

Essendon
D. Deprisco
T. Hancy
V. Raffa

Footscray
P. Leckie
F. Lopez
R. Storey

Geelong
J. Cody
J. O'Mara
B. Roche

Goulburn Valley
C. Craig
A. Kerris
P. O'Flaherty

Latrobe Valley
V. Beaton
M. Smith
A. Nabulsi

Melbourne
R. Carter
M. Santana
G. Tsotsos

Mordialloc
G. Burleigh
I. Nichol
P. Sullivan

Murray Valley
L. Fahey
S. Masterson
J. Salinger

Oakleigh
L. Bacolas
J. Medlyn
B. Smith

Preston
M. Collingburn
R. Lucas
N. Porter

Prahran
B. Giagnacovo
A. Medina
S. Delaney

Richmond
D. Blake
C. Commons
R. Hakainsson

South Western
K. O'Connor
A. Sargent
G. Sullivan

Sunraysia
A. Boldock
D. Costa
M. Dawes

Wimmera
R. Nesibit
G. Scott
A. Patterson

BUILDING UNIONS VIC DIVISIONAL BRANCH TRUSTEES

M. Kingham
B. Oliver
Vacant

M. Bingham
F. O'Grady
M. Baird

BUILDING UNIONS VIC DIVISIONAL BRANCH ORGANISERS

R. Welsh
T. Sinclair
R. Storey
W. Bingham
A. Medina
D. Jacobson
D. Noonan
P. Muldeary
H. Kotsabis
R. Carter
T. O'Kane
D. Riddell
G. Young
M. Kingham
M. Garcia

BUILDING UNIONS VIC DIVISIONAL BRANCH DELEGATES DIVISIONAL CONFERENCE

F. O'Grady
M. Kingham
V. Raffa
R. Williams
J. Saddington
M. Bingham

BUILDING UNIONS SA DIVISIONAL BRANCH

Divisional State President	A. Johnson
Divisional State Secretary	B. Carslake
Divisional State Vice President	G. Millar
Divisional State Vice President	D. Stapleton
Divisional State Assistant Secretary/Treasurer	T. Carroll
Divisional State Assistant Secretary/Treasurer	J. McGirr

BUILDING UNIONS SA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

BWIU	PLASTERERS	PAINTERS
F. Gosden	G. Parrish	George Tilley
T. Karrandjis	R. Watson	Greg Tilley
C. Morton	R. Bennett	Lambden
D. Sellmann	A. Spano	Weir
T. Middleton	S. Kesisoglou	McEwan
		Evans

BUILDING UNIONS SA DIVISIONAL BRANCH ORGANISERS

M. Gnatenko
H. Koemecker
M. Bella

BUILDING UNIONS SA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Carslake

BUILDING UNIONS ACT DIVISIONAL BRANCH

Divisional State President	R. Driver
Divisional State Secretary	G. Wason
Joint Divisional State Assistant Secretary	S. Hambesis

Joint Divisional State Assistant Secretary	T. Zeltner
Divisional State Vice President	K. Lundy
Divisional State Vice President	J. McHugh

BUILDING UNIONS ACT DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Pyner	J. Grey Reitz
A. Dillon	D. Rail
J. Long	G. Roderick
T. Lagoya	L. Lancsar
J. Diamante	B. Larke
G. McGowan-Lay	G. Cleghorn
P. Johnstone	P. Trapani

BUILDING UNIONS ACT DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

D. Thompson	G. Kirkwood
B. Norman	G. Frasin
C. Kaskoutas	W. Thompson
M. Morgan	J. Clyde
T. Gooden	R. Hemsley

BUILDING UNIONS ACT DIVISIONAL BRANCH TRUSTEES

G. Wason	R. Driver
S. Hambesis	K. Lundy
G. McGowan-Lay	

BUILDING UNIONS ACT DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

G. Wason

ATAIU DIVISIONAL BRANCH OFFICE HOLDERS

ATAIU DIVISIONAL OFFICERS

Divisional President	G. Hillier
Divisional Secretary	T. Smith
Divisional Assistant Secretary	C. Northover
Divisional Senior Vice President	S. Murphy
Joint Divisional Vice President	P. Illidge
Joint Divisional Vice President	B. King

ATAIU DIVISIONAL TRUSTEES

J. Tuckwell	Q. Cook
V. Stargatt	

Who form the Divisional Executive, and who with the following form the Divisional Conference

A. Roberg (SA)
C. Butler (TAS)
J. Gallogley (NSW)
M. Schuppan (NSW)
J. Beeson (VIC)
E. Swainston (VIC)
A. Dunlop (Pulp & Paper)
M. St Clair (SA)
B. Anderson (NSW)
J. Quartermaine (NSW)
B. Campbell (NSW)
B. Murpy (VIC)
M. Graham (Pulp & Paper)

ATAIU SA DIVISIONAL BRANCH

ATAIU SA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Young
Divisional Branch Secretary	Q. Cook
Divisional Branch Vice Presidents	M. St Clair
	A. Roberg

ATAIU SA DIVISIONAL BRANCH TRUSTEES

E. Cathro
J. Nicks
P. Martinella

Who form the Executive.

ATAIU SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

L. Barry
L. Kilsby
G. Schultz
B. Lockwood
T. Goodrich
F. Beimans
L. Pelkonen

ATAIU SA DIVISIONAL COUNCIL DELEGATES

M. St Clair
T. Smith
A. Young
Q. Cook

ATAIU NSW DIVISIONAL BRANCH

ATAIU NSW DIVISIONAL BRANCH OFFICERS

Divisional President	B. Anderson
Divisional Secretary	G. Hillier
Divisional Assistant Secretary	J. Tuckwell
Divisional Vice Presidents	G. Sacco
	J. Gallogley

ATAIU NSW DIVISIONAL BRANCH TRUSTEES

S. McDonald
B. Campbell
M. Schuppan

Who are officers and form the Executive.

ATAIU NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

W. Englert
S. Hudson
W. Sentance
C. Brooks
K. Yelverton
J. Quartermain
C. McGowan

ATAIU NSW DIVISIONAL COUNCIL DELEGATES

G. Hillier
J. Gallogley
J. Quartermain
B. Campbell
B. Anderson
S. McDonald
K. Yvelton

ATAIU VIC DIVISIONAL BRANCH

ATAIU VIC DIVISIONAL OFFICERS

Divisional President	V. Stargatt
Divisional Secretary	B. King
Divisional Vice Presidents	V. Iluk
	E. Swainston

ATAIU VIC DIVISIONAL BRANCH TRUSTEES

J. Beeson
B. Murphy
T. Carley

ATAIU VIC DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

J. Browne
P. Love
T. Stinton
S. Wilson
B. Harms
R. Owens
C. Walkear
P. Tait

ATAIU VIC DIVISIONAL COUNCIL DELEGATES

V. Stargatt
J. Beeson
B. Murphy
M. Lynch
E. Swainston

ATAIU TAS DIVISIONAL BRANCH

ATAIU TAS DIVISIONAL BRANCH OFFICERS

Divisional President	C. Butler
Divisional Secretary	S. Murphy
Divisional Vice Presidents	R. Ford
	D. Turriff

ATAIU TAS DIVISIONAL BRANCH TRUSTEES

C. Butler
R. Smith
S. Cahoon

ATAIU TAS DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

M. Barber	S. Cahoon
R. Foster	R. French
D. Harkes	N. Lincoln
B. Riley	R. Smith

ATAIU TAS DIVISIONAL COUNCIL DELEGATES

C. Butler	S. Murphy

ATAIU WA DIVISIONAL BRANCH

ATAIU WA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Cook
Divisional Branch Secretary	A. A'Vard
Divisional Branch Vice President	D. Murie
Divisional Branch Treasurer	R. Taylor

ATAIU WA DIVISIONAL BRANCH TRUSTEES

P. McCarthy	K. Smith
R. Henry	

ATAIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

R. J. Smith	C. Hagelund
R. Reiter	K. Cameron
V. McGlinn	J. Savage
G. P. Jaeschke	M. Bennett
W. J. Hall	

ATAIU NO. 7 DIVISIONAL BRANCH

ATAIU NO. 7 DIVISIONAL BRANCH OFFICERS

Divisional Branch President	P. Illidge
Divisional Branch Secretary/Treasurer	C. Northover
Divisional Branch Assistant Secretary/Treasurer	M. Graham
Divisional Vice Presidents	A. Dunlop
	R. Johnson

ATAIU NO. 7 DIVISIONAL BRANCH TRUSTEES

C. Northover	M. Graham

ATAIU NO. 7 DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

D. Garlick	G. Aston
T. Mackerell	G. Morley
N. Anderson	C. Glaubitz
N. Allen	D. McKay
M. Donoghue	P. Graham
J. Wright	T. Kelly

W. Hardy	G. Lincoln
G. Draper	T. Dwyer

ATAIU NO. 7 DIVISIONAL COUNCIL DELEGATES

C. Northover	M. Graham
P. Illidge	

ATAIU NOWRA SUB-BRANCH

President	Peter Graham
Senior Vice President	Harry Knowles
Junior Vice President	Tim Cato
Secretary-Treasurer	Mervyn Donoghue
Committee of Management	Rhonda Shelley
	Jim Evans
	Ray Clarke
	Alan Whitton
Delegate to No. 7 Branch	
Committee of Management	Mervyn Donoghue
	Peter Graham

ATAIU BURNIE SUB-BRANCH

President	George Draper
Senior Vice President	Barry Connors
Junior Vice President	Eric Edwards
Secretary-Treasurer	Geoffrey Lincoln

Committee of Management

Alan Claridge	Graham Wells
Anthony Johnson	Andrew Crawn
Jack Wylie	Russell Norton
Danny Rowlands	Richard Troughton
Noel Stubbs	Rex Berry
Delegate to No. 7 Branch	
Committee of Management	Geoffrey Lincoln
	George Draper

ATAIU PORT HUON SUB-BRANCH

President	Barry Young
Senior Vice President	Colin McMullin
Junior Vice President	Jeff Parsons
Secretary-Treasurer	Wayne Hardy

Committee of Management

Neville Burgess	Graeme Goaman
David Greatbatch	Ricky Cowen
Delegate to No. 7 Branch	
Committee of Management	Wayne Hardy

ATAIU MYRTLEFORD SUB-BRANCH

President	Vacant
Senior Vice President	Bruce Dale
Junior Vice President	Paul Ryan
Secretary-Treasurer	Trevor Dwyer
Committee of Management	Oliver Evans
	Colin Richardson
	Trevor Davis
	Robert Arnold
	Christopher Stone
Delegate to No. 7 Branch Committee of Management	Trevor Dwyer

ATAIU MARYVALE SUB-BRANCH

President	Neville Anderson
Senior Vice Persident	Charles Glaubitz
Junior Vice President	Cidge Fabris
Secretary/Treasurer	Graeme Morley
Committee of Management	
Steven Gilham	Robert Brown
Vernon Jones	Charles Stuart
Geoffrey Dorling	Brian McNamara
Peter Morris	Steven Mason
Wayne Snell	Vincent Nabel
Delegates to No. 7 Branch Committee of Management	Neville Anderson
	Charles Glaubitz
	Graeme Morley
Delegates Gippsland Trades & Labour Council	Graeme Morley
	Vernon Jones
	Brian McNamara
	Robert Brown

ATAIU SYDNEY SUB-BRANCH

President	Donald McKay
Senior Vice Pesident	Ron McElhinney
Junior Vice President	Edward Pram
Secretary-Treasurer	Philip Illidge
Committee of Management	
William Daly	Les Smith
William Flowers	Anthony De Bono
Harry Marshall	Wayne Trewella
Mark Skennerton	Joseph Bodor
Delegates to No. 7 Branch Committee of Management	Philip Illidge
	Donald McKay

ATAIU BROADFORD SUB-BRANCH

President	Vacant
Senior Vice President	Vacant
Junior Vice President	Vacant
Secretary-Treasurer	Len Allen
Committee of Management	Garry Nesbitt
	Terry Hobson
	Alan Cole
	Craig Waters
Delegate to No. 7 Branch Committee of Management	Len Allen

ATAIU MILLICENT SUB-BRANCH

President	John Wright
Senior Vice Pesident	Trevor Kelly
Junior Vice President	Richard Watts
Secretary-Treasurer	Robert Johnston
Committee of Management	Michael King
	Graeme Richards
	Mavis Kloock
	Graeme Richardson
	Gilbert Mouat
	Helen Walker
Delegates to No. 7 Branch Committee of Management	John Wright
	Trevor Kelly
	Robert Johnston

ATAIU MELBOURNE SUB-BRANCH

President	David Garlick
Senior Vice President	George Ashton
Junior Vice President	Vacant
Secretary-Treasurer	Alexander Dunlop
Committee of Management	
William Horton	Stan Mazur
Terry Mackerell	Steve Morris
Tom Donelly	Ian James
Alex Miller	Michael Adamopolous
Delegates to No. 7 Branch Committee of Management	Alexander Dunlop
	David Garlick
	George Aston

Delegates to Victorian Trades Hall Council	Alexander Dunlop William Horton Terry Mackerell Malcolm Graham

UMW DIVISION

In accordance with Rule 42 - Transitional Provisions of the Rules of the Union being the National Rules the officers of the previously existing Mining Division immediately prior to the date of effect of the amalgamation shall be, on and from the date of effect of amalgamation the officers of the UMW Division which is the new name for the previous Mining Division and the only change therein shall be, to the extent necessary, the change in the title of office to reflect the change in the name of the Division from Mining Division to UMW Division.

FEDFA DIVISION

DIVISIONAL OFFICERS

Divisional President	M. McDonald
Divisional Secretary	V. Fitzgerald
Divisional Assistant Secretary	T. Maher

FEDFA DIVISIONAL EXECUTIVE

The Divisional Officers of FEDFA Division as set out above, and

I. Peel	New South Wales
J. Van Camp	Victoria
G. Betts	Queensland
G. Day	South Australia
B. O'Neil	Barrier
M. Grey	Tasmania
D. McIntyre	Western Australia

FEDFA DIVISIONAL CONFERENCE

The Divisional Officers of FEDFA Division and the Divisional Executive as set out above, and the following delegates from FEDFA Divisional Branches:

T. Maher	(NSW)
P. Jordan	(NSW)
B. Neilson	(VIC)
M. Hill	(VIC)
D. Holloway	(QLD)
G. Purtill	(QLD)
L. Wilson	(QLD)
B. Samson	(Barrier)
M. Buckley	(SA)
B. Low	(WA)
R. Harrison	(TAS)

FEDFA NSW DIVISIONAL BRANCH

Divisional Branch President	M. Smith
Divisional Branch Secretary	I. Peel
Divisional Branch Assistant Secretary	S. Gartrell

FEDFA NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above,

FEDFA NSW DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and regional delegates and organisers stated below,

Metropolitan
P. Wormleaton
R. Johnson
B. Francis
D. Whitehead
D. Dunn

Northern Region
N. Rose
M. Sealby
G. Webb
D. Owens
J. Nixon

Southern Region
K. Anderson
B. Barnham
G. Freeman
T. Potter

Western Area
R. Fuller
W. Williams

FEDFA NSW DIVISIONAL BRANCH ORGANISERS

Metropolitian
G. Avouris
T. Grant
S. Cochran

Northern
M. Beehag
S. Harding
L. Sinclair

Riverina
S. King
J. Wilson

Western
G. Childs

Southern
H. Miller

Mining
P. Jordan

Energy
A. Drew

FEDFA NSW DIVISIONAL BRANCH TRUSTEES

D. Dunn
L. Robinson
J. Owens

FEDFA NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

V. Fitzgerald

T. Maher
P. Jordan
I. Peel

FEDFA VICTORIAN DIVISIONAL BRANCH

Divisional Branch President	M. McDonald
Divisional Branch Secretary	J. Van Camp
Divisional Branch Assistant Secretary	M. Greenbury
Divisional Branch Vice President	M. Hill

FEDFA VICTORIAN DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

M. French
D. McDonald
D. Baker
J. Kadziela
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional Officers as set out above, and -

SECV Yallourn
P. Wilson

SECV Morwell
G. Reid

SECV LaTrobe
(vacant)

Country Provisional
W. Fleet
M. French
T. McKenzie
P. Skinner

Metropolitian
D. Baker
J. Kadziela

Organisers Rep.
A. Riley
M. Hallett
D. McDonald
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH ORGANISERS

W. Fleet
M. French
R. Hallett
M. Hill
A. Riley

TRUSTEES

M. McDonald
J. Van Camp

FEDFA VICTORIAN DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

J. Van Camp
M. McDonald
M. Hill
B. Nielson

FEDFA BARRIER DIVISIONAL BRANCH

Divisional Branch President	B. Samson
Divisional Branch Secretary	W. O'Neil
Divisional Branch Vice President	R. Hunter

FEDFA BARRIER DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above,

FEDFA BARRIER DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

D. Brennan	R. Adams
A. Fraser	B. Sayers
E. Snaith	

FEDFA BARRIER DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. O'Neil	B. Samson

TRUSTEES

R. Adams	B. Sayer
E. Snaith	

FEDFA TASMANIAN DIVISIONAL BRANCH

Divisional Branch President	B. Bishop
Divisional Branch Secretary	M. Grey

FEDFA TASMANIAN DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and - D. Dawson

FEDFA TASMANIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

Launceston	**Hobart**
D. Dawson	M. Hyland
Devonport	**Tullah**
(vacant)	T. Jones
Burnie	**Savage River**
L. Britton	R. Harrison
Rosebery/Lyell	**Organisers**
N. Hartnell	D. Moncrieff
	B. Best

FEDFA TASMANIAN DIVISONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

M. Grey R. Harrison

FEDFA WA DIVISONAL BRANCH

Divisional Branch President (vacant)
Divisional Branch Secretary (vacant)

FEDFA WA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

FEDFA WA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

P. Bates I. Douglas
T. Feeney D. Hellyer

FEDFA WA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

B. Low
(vacant)

FEDFA SA DIVISIONAL BRANCH

Divisional Branch President G. Bull
Divisional Branch Secretary G. Day
Divisional Branch Vice President F. Stonys

FEDFA SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Rogers R. Brewer

FEDFA SA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

J. Rodgers K. Maywald
F. Grosso F. Harrison
R. Brewer

ORGANISER

R. Brewer

FEDFA SA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

G. Day
M. Buckley

FEDFA QUEENSLAND DIVISONAL BRANCH

Divisional Branch President	D. Holloway
Divisional Branch Secretary	G. Betts
Divisional Branch Assistant Secretary	G. Wilson

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

S. Douglas	B. Scheuber
C. Swift	R. Coleman
L. Wilson	J. Spencer

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch State Management Committee as set out above, and -

M. Dowvendans	T. Quaid
L. Genrich	N. Rampton
R. Beattie	H. Heumiller
J. Rossington	C. Price
(vacant)	

FEDFA QUEENSLAND DIVISIONAL BRANCH ORGANISERS

D. Bloxsom	H. Heumiller
G. Flack	C. Price
C. Gillespie	T. Rosier
J. Rossington	B. Stacker
R. Tremlin	

FEDFA QUEENSLAND DIVISIONAL BRANCH TRUSTEES

D. Holloway	S. Douglas
G. Betts	L. Wilson

FFTS UNION DIVISION

DIVISIONAL OFFICERS

Divisional President	A. Findlay
Divisional Secretary	L. Kyriacou
Divisional Assistant Secretary	M. Haritou
Divisional Senior Vice-President	S. Wales
Divisional Junior Vice-President	D. Frater

FFTS UNION DIVISIONAL EXECUTIVE

The Divisional Officers of the FFTS Union Division as set out above, and

A. Smith	New South Wales
V. Robinson	Queensland

FFTS UNION DIVISIONAL CONFERENCE

The Divisional Officers of the FFTS Union Division and the Divisional Executive as set out above, and the following delegates from the FFTS Union Divisional Branches;

W. Brown (VIC)
M. Findlay (VIC)
R. Smith (NSW)
R. Groat (SA)
A. Cookson (QLD)
R. Orange (TAS)

FFTS UNION VIC. DIVISIONAL BRANCH

Divisional Branch President	M. Mitten
Divisional Branch Secretary	L. Kyriacou
Divisional Branch Assistant Secretary	A. Findlay
Divisional Branch Senior Vice-President	W. Brown
Divisional Branch Junior Vice-President	C. Avent
Divisional Branch Organiser	M. Haritou
Divisional Branch Organiser	R. Shugg

FFTS UNION VIC. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch Officers as set out above and -

A. Frazer	N. Hazeldine
G. Lee	P. Linzos
J. Maines	J. O'Brien
J. Patti	J. Robins
I. Whitcroft	L. Zanandrea
J. Calvert	

FFTS UNION NSW DIVISIONAL BRANCH

Divisional Branch President	R. Smith
Divisional Branch Secretary	S. Wales
Divisional Branch Assistant Secretary	R. Smith
Divisional Branch Vice-President	J. Callaway
Divisional Branch Organiser	Jack Lawrence

FFTS UNION NSW DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

J. Campbell	R. Davies
K. Campbell	W. Kraan
Robert Cumbo (Trustee)	Harry Irvine (Trustee)

FFTS UNION S.A. DIVISIONAL BRANCH

Divisional Branch President	R. Groat
Divisional Branch Secretary	D. Frater
Divisional Branch Assistant Secretary	S. Rowe
Divisional Branch Senior Vice-President	J. Emery

Divisional Branch Junior Vice-President	A. Reeves
Divisional Branch Organiser	S. Rowe
Divisional Branch Organiser	P. Wong
Divisional Branch Organiser	T. Woods

FFTS UNION S.A. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

B. Billington	M. Brownlie
P. Crisanti	A. Czora
A. Howlett	J. Salter
G. Whitford	

FFTS UNION QLD DIVISIONAL BRANCH

Divisional Branch President	G. William
Divisional Branch Secretary	V. Robinson
Divisional Branch Vice-President	A. Amos
Divisional Branch Assistant Secretary	A. Cookson

FFTS UNION QLD. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and - G. Dawson

FFTS UNION TAS DIVISIONAL BRANCH

Divisional Branch President	S. Negus
Divisional Branch Secretary	J. Gill
Divisional Branch Assistant Secretary	R. Orange
Divisional Branch Vice-President	C. Schoenwald
Additional Divisional Branch Executive member	W. Picken
Additional Divisional Branch Executive member	P. Green

FFTS UNION TAS DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

C. Sproule
W. Bandlow

END OF RULES

[105N-FED: incorporates alterations of 4/5/04 in matter R2004/197]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 92 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

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1 - NAME

The name of the Union shall be the "Construction, Forestry, Mining and Energy Union".

2 - CONSTITUTION

(A)(A)The Union shall consist of an unlimited number of persons whether male or female

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in

paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;
(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union shall consist of an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

(l) persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connexion with the production or preparation of manufactured goods, plant, machinery, equipment, packages or containers for sale or purposes of distribution.

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker

Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due

south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the:

(i) The Union shall also consist of all persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) The Union shall also consist of an unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board,strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) The Union shall also consist of such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby the Union shall also consist of an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members.

(E) Without limiting the generality of the foregoing and without being limited thereby the Union shall consist of:-

(a) An unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river, and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Union or a branch of the Union or whilst financial members of the Union are elected as representatives of any working-class organisation to which the Union or a branch thereof is affiliated, or as a working-class member of Parliament.

Provided that mobile crane drivers, operators of fork lifts and/or tow motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

(b) Further, provided that, without limiting the generality of the foregoing the Union shall also consist of the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connexion with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and

employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, the Union shall consist of employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the Union shall consist of an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation

and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work

Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler,

generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery

and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

4 - OBJECTS

1. To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial and social legislation.

2. To regulate the conditions under which all members, of the Union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or association, or association of Trades Unions or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Branches, Divisions, Divisional Branches, Sub-Branches, Districts or Sections of the Union throughout the Commonwealth of Australia.

7. To further any scheme that has for its object the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labour and Trade Union newspapers and wireless broadcasting and television stations, and to invest in shares in such newspapers and radio and television stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide labour or Trade Union Organisation or Association.

10. To establish and manage a Union Journal or Journals.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

14. To render legal and other assistance to members for the recovery of wages or compensation for injuries, to protect the interests of the trade in all its Branches, and to assist other trades by any legal method.

15. To obtain such other objects as the National Conference or National Executive shall from time to time determine.

16. To organise the education of members.

17. To establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Divisional or Divisional Branches.

18. The advancement of members intellectually, morally and socially and to do all things which, in the opinion of the Union, is in the interest of members including donations to political parties, the achievement of compulsory unionism, preference in employment, retrenchment, promotion, demotion and transfer in employment, the production and distribution of newspapers, journals and the like.

19. To achieve such other objects as may be lawfully adopted by any Division of the Union.

20. To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

"UNION" shall mean this Union and shall include all its Divisions, Branches, Divisional Branches and/or any other section or part of the Union.

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"PROPORTIONAL REPRESENTATION" shall mean a system of representation at Committees, Conferences, Executives or the like which, as far as practicable, will provide for voting on a basis which

reflects the number or percentage of financial members, as calculated in accordance with these rules, that each person on such Committee, Conference, Executive or the like, represents.

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast then that candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then that candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the vote preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Mining and Energy Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Workplace Relations Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

(ii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Rules of the Union may require, and shall, when requested, fill in and sign such application form as may be provided.

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v)(a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of

application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

(vii) A member shall, when applying for membership be informed of the financial obligations arising from membership and the circumstances, and the manner, in which a member may resign from the organisation and shall be informed of such in writing.

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be

reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

(ii) Any member who has failed to pay the entrance fees, or contributions, levies and fines imposed in accordance with the rules of the union on or before the date specified in such rules, shall be deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant for admission or exercise any authority or any membership rights, provided that the rules may provide that some members or some class or classes of members may vote in a ballot and/or may differentiate between classes of members as to the amount of any contribution and/or entrance fee.

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.202 of the

Industrial Relations Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

(i) A member desiring to transfer to any other union covering their calling shall make application to the Divisional Branch Secretary, or where the rules of the union so provide, Divisional Sub-Branch, in writing, and shall pay all dues owing to the union, and the transfer will be forwarded to the Secretary of the union to which the member desires to transfer. Such member shall cease to be a member of this Union as from the date on which the transfer is forwarded to the Secretary of such other union.

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

(iii) A clearance shall not be granted to any member unless all moneys owing have first been paid.

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

A register of members and any other records of the Union required to be kept by the Industrial Relations Act and the Regulations made thereunder shall be kept at the registered office of the Union and so far as such records relate to a Division or Divisional Branch at the registered office of that Division or Divisional Branch.

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from

amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.
Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one

calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telegram or telex.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, telephonic, telegraphic, telex, verbal and/or written vote (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) The National Executive Committee shall consist of the National Principal Officers, being the National Secretary of the CFMEU, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Forestry, Furnishing, Building Products and Manufacturing Division, the General President of the Mining and Energy Division; together with the fulltime elected Officers of each Division who are fulltime at the National level and are not already one of the aforementioned National Principal Officers; two (2) Divisional Assistant Secretaries of the Forestry, Furnishing, Building Products and Manufacturing Division, one of whom shall be the Principal Officer of the Pulp and Paper Industry Sector and the other of whom shall be the Principal Officer of the Furnishing Industry Sector; and the Divisional President, and two (2) Divisional Assistant Secretaries of the Construction and General Division if not otherwise included.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive and National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six (6). A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a telegraphic, telex, facsimile, telephonic, email, written and/or postal vote of members of the National Executive or National Executive Committee at any time. Members of the National Executive or National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or telegram or telex or facsimile or email or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or email.

15 - NATIONAL EXECUTIVE

(i) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

(ii) The National officers shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

(iv) The National Executive shall, unless its actions are overturned by the National Conference, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds and property of the Union and shall have and may exercise no more and no less than all of the powers of the National Conference and, without limiting the generality of the foregoing may:

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Industrial Relations Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the

National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

* in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

16 - ELECTION OF NATIONAL OFFICERS

(i) The National Secretary, National Assistant Secretary and National President shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, for Divisions with more than one Divisional Branch, each Division shall be represented by at least one Officer.

Further provided that, for Division with more than one Divisional Branch, each Division shall hold at least one position of Joint Vice President as follows:

* Joint Vice President (Construction and General Division)
* Joint Vice President (FFPD Division)
* Joint Vice President (Mining & Energy Division)

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions by resolution from that Division's National Conference.

Further provided that there shall be a Principal Officer of the FFPD Division representing the former FFTS Division who shall be a National Senior Vice-President. Such officer shall be and remain a member of the National Executive and the National Executive Committee.

Further provided that the Construction & General Division Senior Vice-President (Builders Labourers) shall be a National Senior Vice-President and shall be and remain a member of the National Executive and National Executive Committee.

Further provided that the Construction & General Division Senior Vice-President (former National Secretary of the OPDU) shall be a National Senior Vice-President and shall be and remain a member of the National Executive and National Executive Committee.

All full-time officers of each Division, not otherwise elected to any of the foregoing positions, shall be and remain members of the National Executive Committee.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by post, letter, telegram, telephone, telex, facsimile and/or verbally as soon as the count is completed.

(ix) Provision to be made for the representatives of Divisions to cast votes proportionate to the membership of the respective Division in any ballot for the election of National Officers.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(ii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iii) Except in the case of the Mining & Energy Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) Nominations for the position of Divisional Branch delegates of the Divisional Conference shall be called for by the Divisional Branch Returning Officer by notification in the union journal or in one daily newspaper circulating in the capital city in each Branch on or before the last day of August of every fourth (4th) year commencing as on and from the last day of August 1996.

Provided that such advertisement shall clearly indicate that the Divisional Executive and full time Divisional Officers are elected by and from members of the Divisional Conference, that the members of the Divisional Executive make up the National Conference and that National Officers are made up of the principal officers of each Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) Any member desiring to nominate for the position of Divisional Branch delegate to Divisional Conference shall apply either personally or in writing to the Divisional Branch Returning Officer for a nomination form. Such forms shall be signed by the candidate and by two financial members and forwarded by certified mail to the Divisional Branch Returning Officer or handed personally at the Divisional Branch office or, in the case of an election conducted by the Australian Electoral Commission, at the office nominated by it, and a receipt thereupon obtained.

Nominations shall be closed at 4pm on the last Friday of September 1996 or such other date as may be provided for in any Divisional Rules, and each four (4) years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on that date to be eligible.

A member having nominated for any office in accordance with this Rule may withdraw the nomination by notifying the Returning Officer in writing of an intention to do so at any time up to seven (7) days after the closing of nominations. The Returning Officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the member's name from the ballot papers prior to their distribution.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) Officers of all Divisional Branches holding such office at the date of amalgamation shall remain in office until the general election of officers held in 1996 and shall be eligible to nominate in that election. In this paragraph officers of all Divisional Branches shall mean officers of branches of the amalgamating unions being the persons listed in the schedule hereto.

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a

candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall on a date which will enable the ballot paper to be posted not later than fourteen (14) clear days before the closing date of the ballot, send by either certified mail or prepaid ordinary mail to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by each Divisional Branch Secretary, and that envelope shall contain only the following documents:

(a) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(b) an empty unsealed pre-paid post envelope addressed to the Divisional Branch Returning Officer, c/- the numbered mail box referred to in this rule;

(c) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Branch Returning Officer may consider necessary;

(d) The candidates statement provided for in accordance with sub-rule (iii) (h) hereof.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed to have closed as at 30th September. Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines as at the 30th September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Branch Returning Officer that they have paid all contributions, levies and fines prior to the 30th September shall be entitled to receive a ballot paper.

(r) The opening date of the ballot shall be at the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, the officer shall cause the lock to be changed.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

"Preferential Voting" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter gives as their first preference, and shall place the number 2, 3, 4 (and so on as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the preference for them. In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate. If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference. If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preference shall be the same as is above prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except Mining and Energy Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(ii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iii) The Divisional Officers at a national level shall be members of that Divisional Executive.

(iv) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

Any Officer may be removed from office by majority decision of the National Executive, provided that such officer shall not be dismissed from office unless found guilty, in accordance with the Rules of the

Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

Any officer so removed from office shall have the right of appeal to the National Conference. In the event of the appeal being upheld the National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

   National Executive shall:

   Determine the question to be submitted to the members and the form of the ballot paper.

   Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

   Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

   No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

   In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS

1. The following sets out the duties of the National Officers outlined herein. The National Secretary shall be a full time position. The wages and costs relating to the office of the full time officer shall be borne by the Union.

2. National President:

   The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

   The National President shall have a deliberative vote only.

   The National President shall perform all duties assigned to him/her by the National Conference or National Executive and shall be responsible with the National Secretary for the allocation of duties and responsibilities arising from decisions of the National Conference or the National Executive.

3. National Secretary:

   The National Secretary shall be responsible for the general correspondence of the Union, National finance, filing of documents, industrial returns and the carrying out of decisions made by National Conference or National Executive.

   The National Secretary shall have the power, subject to decisions of the National Executive and/or National Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the National Office and allocate duties and responsibilities within the National Office.

   The National Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the National Office, together with a statement of the assets and liabilities of the National Office for the year ending 31st December in each year.

   Such financial statement shall be presented to the National Executive for its approval and be published within the journal of the National Union.

   The National Secretary shall carry out such other functions as shall be determined from time to time by the National Conference or National Executive.

   The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretary:

   National Assistant Secretary shall perform all duties assigned to him/her by National Conference and National Executive. He/She shall attend all meetings of National Conference and National Executive.

5. Senior Vice-President:

   The Senior Vice-President shall assist the National President in the conduct of meetings and shall preside in the absence of the National President, and shall carry out such other duties as shall be determined from time to time by the National Conference or the National Executive.

6. Vice-President/s:

The Vice-Presidents shall assist the National President/s or Senior Vice-President/s in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

They shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

7. Members of National Executive and Delegates to National Conference:

Members of National Executive and delegates to National Conference shall attend meetings of those bodies when summoned so to do.

8. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

Provided that each Division/Divisional Branch is responsible to meet all costs associated with the operation of its Division/Divisional Branch, including all costs associated with the attendance and participation by their representatives at meetings, including National Conference, National Executive Committee unless decided otherwise by the National Executive Committee.

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. No funds shall be drawn from the Bank or financial institution except by cheque signed by two persons who are a National Secretary, National Assistant Secretary, National President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President or National Assistant Secretary. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name

of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

The Auditor shall, in the report, draw attention of the National Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Union.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

25 - ALTERATION OF RULES

(a) The rules of the Union, or any of them, may be altered, rescinded, varied or made by the National Conference and/or National Executive. Proposals for alterations of rules may be forwarded by Divisions, Branches or any member of the National Executive or delegate to the National Conference and shall be forwarded to members and/or delegates with the notice calling the National Conference or National Executive, as the case may be, or so soon thereafter as is practicable. Provided that National Conference or National Executive may, in session, alter rules of which previous notice has not been given.

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telegraphic, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Industrial Relations Act (Commonwealth) or the regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the Industrial Relations Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

These National Rules and all the rules of the Union, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisions, Branches, and Divisional Branches and all sections of the Union and on all members who now, or who may hereafter, belong to the Union until they are made or become null and void according to the law.

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each division shall have autonomy in relation to its funds and property.

(iv) Each Division shall have rules and have power to make, alter or rescind such rules, to be called Divisional Rules. Without limiting the generality of the foregoing paragraph, each Division shall have power to determine policy for that Division, not inconsistent with the rules and policy of the Union as decided by National Conference or National Executive.

(v) If there is any environmental matter that directly affects the employment of members of one Division only, then that Division whose members are so affected shall have the power to determine the policy of the Union on that matter.

(vi) Divisions shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland, New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.202 of the Industrial Relations Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of state unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or

National Assistant Secretary or any person authorised by a National Secretary or National President or National Assistant Secretary so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary or any person authorised by a Divisional Secretary or Divisional Assistant Secretary may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, Divisional Secretary or Divisional Assistant Secretary, or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests issued by a Divisional Secretary or Divisional Assistant Secretary or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National Assistant Secretary, National President, Divisional Secretary and/or Divisional Assistant Secretary shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 361 Kent Street, Sydney in the State of New South Wales, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

Where a Division ceases to exist and the Union continues, the property of that defunct Division shall be vested in the Division to which the members of the defunct Division are allocated.

Where the Union is dissolved the property of the Union shall be vested in the trustees of each existing Division at the time of dissolution for the benefit of the members thereof on the basis that each such Division will continue to hold its own property and funds and any property or funds not vested at the time of dissolution in a Division shall be divided between the existing Divisions on a basis proportionate to the membership of each such Division.

35 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members may be sued for in the name of the Union by the National Secretary or by the Divisional Secretary, or Divisional Branch Secretary to which the member is attached, or by any other person or body authorised by the rules of the Union including the rules of any Divisional Branch or the Rules of any Division.

36 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy shall be decided by a majority of the National Conference or National Executive and shall not exceed $50.00 and when so decided shall be binding on all members or sections of members as National Conference or National Executive may decide.

(iii) A Division or Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

(a) If the National Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a rule, to a vote of National Conference or National Executive at any time when it is inconvenient to call National Executive or National Conference together, the National Secretary may submit a resolution dealing with the matter to the delegates or members, by letter, facsimile, telegram, telephone, email, in writing, by computer link and/or by any other means of communication.

(b) A copy of such resolution shall, as soon as practicable thereafter, be sent to each Branch Secretary and each Divisional Secretary. The votes on such resolution shall be returnable to the National Secretary at such time as the National Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.

(c) Provided that where no record can be kept of the vote and/or decision, such a record shall be created and a copy of that record sent to each person entitled to vote or, in the case of computer linkages, the record is such that it can be viewed and/or copied by the person entitled to vote.

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

1. All motions shall be of an affirmative character and must be moved and seconded by delegates or members. Such motions become the property of Conference or Executive and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates or members present agree to an extension of time.

2. Unless a delegate or member rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

3. A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

4. A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

5. Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

6. All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chairperson's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

   If the votes are equal the question is resolved in the negative.

7. A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates or members present agree to an extension of time.

8. Right of Speaker: Any delegate desiring to speak shall rise and address the chairperson. If two or more delegates or members rise at the same time the chairperson shall call upon the one who, in the Chairperson's opinion, first rose. Provided that no delegates or members can speak more than once upon any question (which shall include the original motion and all amendments thereto) before Conference or Executive, except -

   (a) In reply as the mover of the original motion.
   (b) In explanation or correction of some matter during the debate.
   (c) Upon a point of order raised during the debate.
   (d) Upon a resolution being carried "that the delegate now be heard".

9. A delegate or member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by that delegate or member.

10. No more than two delegates or members shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

11. Any delegate or member speaking shall at once resume their seat -

   (a) If the chairperson rises to speak; or
   (b) If a point of order is raised.

   and shall not resume their speech until the point of order is decided.

12. No delegate or member may speak to any question after it has been put by the chairman or during the taking of the vote.

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of Conference.

CHAIRPERSON'S RULINGS

The chairperson's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by Conference or Executive. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the delegates or members present for Conference or Executive to suspend the order of business.

SITTING AS A COMMITTEE

Conference or Executive may at any time, by a resolution agreed to by a majority of delegates or members present, resolve itself into a committee of the whole. The rules governing the business of Conference or Executive shall be observed when in Committee.

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

The National Executive, the State Executive, a Divisional Executive or a Divisional Branch Management/Executive Committee may, in their absolute discretion, summon meetings of members over which they have authority and/or responsibility from time to time.

If such meeting is called notice shall be given in a union journal circulating in the area covering the members to which the meeting relates or in a mass circulation daily newspaper circulating in the area in which the meeting is to be held and such publication shall be issued at least fourteen days before the date of the meeting. The notice of such meeting shall specify the day, the date, the time and the place of such meeting.

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the Industrial Relations Act 1988, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, telex, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee, following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted

(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) deleted

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - Divisional Restructuring (FEDFA)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps which steps may deal with one Division at a time, Divisional Branches within a Division and/or the Divisional Office of any particular Division.

2. In relation to the above, the FEDFA Division shall be restructured in steps which shall involve:

(a) The abolition of full-time Divisional Officers at a national level and the allocation of responsibility for the FEDFA Division between the Building Unions Division and the UMW Division;

(b) The allocation of full-time Divisional Officers of the FEDFA Division to the Building Unions Division and the UMW Division;

(c) The continued operation of the Divisional Branches of the FEDFA Division with the intent, over time, of the restructuring of said Divisional Branches in accordance with Rule 42, into the Building Unions/Construction and General Division, UMW/Mining & Energy Division and the ATAIU/Forestry Division;

(d) The payment of capitation fees by FEDFA Divisional Branches to a designated fund which shall be administered by the Divisional Secretary of the FEDFA Division or, if or when that Office is abolished by the former Divisional Secretary and the Divisional Secretaries of the Building Unions and/or Construction and General Division and the UMW and/or Mining and Energy Division.

(e) The continued meeting of the Division Executive of the FEDFA Division for so long as is necessary before the complete restructuring of the FEDFA Division is effected in accordance with Rule 42.

3. On and from 27 September 1993, in accordance with the above procedure, the current Divisional Secretary of the FEDFA Division shall be and become the Divisional President of the Building Unions Division and the current Divisional Assistant Secretary of the FEDFA Division shall be and become a Divisional General Vice-President of the UMW Division and upon translation in accordance with Rule 42 (iii), shall hold the corresponding offices in the Construction and General Division and the Mining & Energy Division respectively.

4. The current Divisional Secretary and Divisional Assistant Secretary of the FEDFA Division shall continue to hold those positions in the FEDFA Division on an honorary basis until such time as the FEDFA Division no longer meets on a national basis.

5. This Rule shall come into force after its adoption by the National Executive and agreement thereto by the FEDFA Divisional Executive, UMW Divisional Executive and Building Unions Divisional Executive and thereupon shall be registered with the Australian Industrial Registry and shall take effect upon registration, or 27 September 1993, whichever is the later.

6. Further to the above provisions, and notwithstanding any other rule of the Union to the contrary, during the process of restructuring, any Divisional Branch of the FEDFA Division may reach agreement with any or all of the UMW Division/Mining & Energy Division and/or the Building

Unions Division/Construction and General Division and/or the Forestry Division or the relevant Divisional Branches thereof to transfer members and officers of the FEDFA Division to any and/or all of the other aforementioned Divisions. Such agreement shall be reached with the approval of the Management Committee or its equivalent in each Divisional Branch and the officers concerned. Any such Divisional Branch may reach agreement on some or all of the matters relating to such transfer and, failing agreement on any or all of such matters, refer the matters by agreement to the National Executive for decision. Until such time as there no longer exists an FEDFA Division in accordance with the Rules of the Union, all such officers transferred shall, notwithstanding the holding of positions in other Divisions, continue to hold the office or position in the FEDFA Division on an honorary basis and shall, to the extent that the Rules require same, continue to perform the functions associated with that office in relation to the FEDFA Division. All agreements in relation to the transfer of members and officers shall be notified to the National Executive Committee and attached to the Minutes thereof. Such agreements shall have force and effect in accordance with the terms thereof and from the date of effect of that agreement as specified in that agreement, or failing any specification thereof, on the date of the agreement.

7. The following table shows the restructuring of the FEDFA Division, merging with the appropriate Union Division to create Industry Divsions:

	(	merged with	)
STATE	CONSTRUCTION AND GENERAL	MINING AND ENERGY	FORESTRY
National Office	27 Sept 1993	27 Sept 1993	
Queensland	4 Feb 1994	1 Jan 1993	
New South Wales		Northern 2/4/93 Southern 1/7/93 Western 8/4/93 Energy 21/7/93	
Tasmania	31 July 1996	24 August 1996	1 Jan 1994
Sth Aust	1 Aug 1993	1 Aug 1993	
West Aust	1 Sept 1993	1 Sept 1993	
Victoria	1 Aug 2003	2 Jan 2001	
Barrier		1 July 1996	

42B - Merger with ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case

of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DIVISIONAL RESTRUCTURING (FFTS)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps, such steps may deal with one Division at a time and/or Divisional Branches within a restructured Division at a time.

2. In relation to the above, the FFTS Division shall on and from the 11th February 2002, be restructured in the first instance into the Forestry Division to form "The Forestry, Furnishing, Building Products and Manufacturing Division" (FFPD) which shall result in:

   (a) The abolition of full-time FFTS Divisional Officers at a national level and the allocation of responsibility for the FFTS Division to the restructured Division.

   (b) The allocation of Divisional/Branch Office Holders of the FFTS Division to the Office Holders positions of the restructured Division.

   (c) The continued operation of the Victorian and Queensland Divisional Branches of the FFTS Division within the restructured Division of up to four years beyond the expiration of the eight years referred to in sub-rule 42(xii). This sub-rule shall not otherwise affect the operation of sub-rule 42(xii). For the avoidance of doubt, the four years referred to in this sub-rule shall expire on 26 March 2005.

3. Further to the above provisions and notwithstanding any other rule of the Union to the contrary, the FFTS Victorian Branch shall unless otherwise agreed by the FFTS Victorian Branch Management Committee maintain its current structure and existence within the restructured Division up until 26 March 2005.

4. Prior to the 26 March 2005, the FFPD (which shall include representatives of the former FFTS Division) and the Construction & General Division (which shall include representatives from the National Office and all interested Branches) will meet under the chairpersonship of the National Secretary of the CFMEU to reach agreement to finalise translation/integration provisions intended by the respective Schemes of Amalgamation and the Rules of the Union in respect to the Forestry, FFTS and C&G Divisions.

5. Should agreement not be reached between the Divisions the matter shall be referred to the CFMEU National Executive to determine in accordance with the Schemes of Amalgamation and Rules of the Union.

6. Until the elections scheduled to be held in August 2004 the FFPD shall be constituted and represented as follows:-

(a) Divisional Conference shall consist of:-

(i) Forestry Division Representatives

Trevor Smith	SA	Jane Calvert	VIC
Paul Martinella	SA	Andy Laing	VIC
Mark Nicholls	SA	Ian Mullen	VIC
Brenton Lockwood	SA	Michael O'Connor	VIC
Scott McLean	TAS	Brad Platschinda	VIC
Colin Butler	TAS	Bevan Anderson	NSW
Gary Jaeschke	WA	Bruce CampbellNSW	
Christopher Northover	P&P	Craig Smith	NSW
Phillip Illidge	P&P	Eileen Anderson	NSW
Alex Millar	P&P	Kenneth Miller	NSW
Debbie Brennan	P&P		

(ii) FFTS Division Representation

Jim Emery	SA	Leo Skourdoumbis	VIC
David Kirner	SA	Frank Vari	VIC
Brad Parker	NSW	Joe Patti	VIC
Greg Williams	QLD	Cliff Palmer	VIC
John O'Brien	VIC	Alwin Seneviratne	VIC

(iii) Representation

Representation of the Forestry and FFTS Division Branches shall be in accordance with Rule 8 of the Forestry Division Rules.

(b) Divisional Executive shall consist of:-

(i)

Jane Calvert	Divisional President
Phillip Illidge	Divisional Snr V/President
Brad Parker	Divisional V/President
Craig Smith	Divisional V/President
Trevor Smith	Divisional Secretary
Chris Northover	Divisional Snr Assistant Secretary (Honorary)
Michael O'Connor	Divisional Assistant Secretary
Leo Skourdoumbis	Divisional Assistant Secretary (Honorary)
Kenneth Miller	Divisional Trustee
Dave Kirner	Divisional Trustee
Frank Vari	Divisional Trustee
Scott McLean	Divisional Trustee
Paul Martinella	Divisional Executive Member
Greg Williams	Divisional Executive Member
Gary Jaeschke	Divisional Executive Member

(c) FFPD NSW Branch Executive/Committee of Management

Brad Parker	Joint President (full-time)
Bevan Anderson	Joint President (Honorary)
Bruce Campbell	Snr V/President
Jayne Willet	Jnr V/President (AA)
Tom Abramovic	Jnr V/President
Craig Smith	Secretary
Sala Taalilil	Trustee

Eileen Anderson	Trustee (AA)
Peter Reilly	Trustee
Ronnie Watson	Trustee
Kenneth Miller	Trustee
Alan Lanyon	Committee Member
Barry Barrakett	Committee Member
Cheryl Hampton	Committee Member
Kerry Hickey	Committee Member
Mark Thompson	Committee Member
Michael Schuppan	Committee Member
Peter StClair	Committee Member
Anthony Ovington	Committee Member

(2 Vacant COM positions to be filled by FFTS)

(d) (a) FFPD VIC FFTS Branch Executive/Committee of Management

Joe Patti	President
Cliff Palmer	V/President
John O'Brien	V/President
Leo Skourdoumbis	Secretary
Frank Vari	Assistant Secretary
Michael Doran	Trustee
Ernie Landolt	Trustee
Les Ford	Trustee
Florencio P Carrion	Committee Member
Eric Maher	Committee Member
Jeffery Connor	Committee Member
Brenda Crawford	Committee Member
Penny Lintzos	Committee Member
James Maine	Committee Member
Alwin Seneviratne	Committee Member
Greg Wheeler	Committee Member
Chris Christou	Committee Member
Damian Cooke	Committee Member
Ian Morris	Committee Member

(b) FFPD VIC Forestry Branch Executive/Committee of Management

Andy Laing	President
Ian Mullen	Snr V/President
Andrew Wareham	V/President
Kim Mason	V/President (AA)
Jane Calvert	Secretary
Yorick Piper	Assistant Secretary
Kevin Wyley	Trustee
Clare Burford	Trustee (AA)
Ken Tonkin	Trustee
Mark Nelson	Trustee
Ricky Owens	Committee Member
Bob Salmnon	Committee Member
Wayne Smith	Committee Member
Neil Saunders	Committee Member
David Sheppard	Committee Member
Sunsera Verhoven	Committee Member
Anthony Jones	Committee Member
Duncan Ingram	Committee Member

Graeme Howe	Committee Member

(1 vacant COM AA position to be filled)

(e) FFPD Pulp & Paper Branch Executive/Committee of Management

Phillip Illidge	President
Robert Johnston	Snr V/President
Alex Millar	Jnr V/President
Chris Northover	Secretary/Treasurer
Grant Keys	Trustee
Chris Northover	Trustee
Alex Millar	Trustee
Geoff Gasperotti	Committee Member
Wayne Hardy	Committee Member
Andrew Ball	Committee Member
Greg Stewart	Committee Member
David Jessup	Committee Member
Mervyn Donoghue	Committee Member
Tom Blacka	Committee Member
Craig Waters	Committee Member
Ken Fraser	Committee Member
William Davey	Committee Member
Greg Godde	Committee Member
Trevor Sinclair	Committee Member
Marne Gurney	Committee Member

(f) FFPD SA Branch Executive & Committee of Management

Jim Emery	President
Mark Nicholls	Snr V/President
Tony Howlett	V/President
Maree Gale	V/President
Paul Martinella	Secretary
David Kirner	Assistant Secretary
Steve Crafter	Trustee
Tom Kenny	Trustee
Ross Bennetta	Trustee
Leonie Kiploks	Trustee (AA)
Karen Cory	Committee Member
Mark Vickers	Committee Member
Peter Nelson	Committee Member
Greg Muhovics	Committee Member
Andrew Sampson	Committee Member
Kym Isaacson	Committee Member
Peter Starr	Committee Member
Bill Burns	Committee Member
Bernie Maguire	Committee Member
Laurie Barbary	Committee Member

(1 Vacant COM AA position to be filled by FFTS)

(g) FFPD TAS Branch Executive & Committee of Management

Colin Butler	President
Angela Lord	Snr V/President
Narrelle Bassett	V/President (AA)
Anthony Clay	V/President

Scott McLean	Secretary
Shiralee Gillespie	Trustee (AA)
Ronald Brown	Trustee
Leanne Hardy	Trustee (AA)
Lindsay Hills	Trustee
Robert Bowden	Committee Member
Paul Worker	Committee Member
Peter Mason	Committee Member
Margaret Watson	Committee Member
Kylie Dundas	Committee Member
Joseph Kelly	Committee Member
Anthony Barnes	Committee Member
Adrian Littlejohn	Committee Member

(h) FFPD QLD Branch Executive/Committee of Management

Ursula Korableff	President
Desmond Flanagan	V/President
Stephan Williams	V/President
Greg Williams	Secretary
Rodney Black	Committee Member
Vincent Breen	Committee Member
John Forrest	Committee Member

(i) FFPD WA Branch Executive/Committee of Management

John Rudge	President
Vincent Preedy	Snr V/President
Douglas Ashcroft	V/President
Gary Jaeschke	Secretary (Honorary)
John Cleary	Trustee
Garry Rampling	Trustee

7. This rule shall come into force on and from 11 February 2002 in accordance with the unanimous decision of the National Executive and shall be registered with the Australian Industrial Registry.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State or Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS

(i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

Nothing in this Rule prevents the Branch from entering into an agreement with a Trade or Industrial Union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or on a basis on which the funds are held in common or jointly so long as the funds are treated, for all purposes, insofar as they relate to members of the Branch, as funds of the Branch.

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

The Auditor shall, in the aforesaid report, draw attention of the State Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Branch.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made pursuant thereto.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

SCHEDULE OF OFFICERS REFERRED TO IN RULE 42 (xiv) (a)

POSITION	PERSON TO HOLD POSITION
NATIONAL UNION	
** Joint National Secretary	Stanley Sharkey
** Joint National Secretary	Vic Fitzgerald
** Joint National President	John Maitland
** Joint National President	Trevor Smith
** National Assistant Secretary	John Sutton
** National Senior Vice President	Lou Kyriacou
* National Senior Vice President	Albert Littler

National Senior Vice President	Bill Ethell
Joint National Vice President	Christopher Northover
Joint National Vice President	Kenneth Hawkins
Joint National Vice President	Malcolm McDonald
Joint National Vice President	Thomas Burke
* FEDFA Divisional Assistant Secretary	Tony Maher
* BWIU/Plasterers Divisional Assistant Secretary	Lindsay Fraser
* ATAIU Divisional Assistant Secretary	Chris Northover
* UMW Divisional General Secretary	Eric A Wilks
* UMW Divisional Vice President	Kenneth Hawkins

NATIONAL EXECUTIVE COMMITTEE shall consist of the six (6) principal officers (marked **) plus the other full-time Divisional Officers of each Division (marked *).

NATIONAL EXECUTIVE shall consist of the persons who constitute the National Executive Committee set out above and the Divisional Branch Secretary of each Divisional Branch of each Division set out herein and shall, in accordance with Rule 42 (viii) (a) include the National President and National Secretary of the former OPPWF. This body shall also include the Divisional Branch Secretaries from Victoria, New South Wales, South Australia and Queensland of the FFTS Union Division.

It also includes the South Australian, Victoria and Queensland Branch Secretaries and the NSW Branch Assistant Secretary of the former OPDU.

NATIONAL CONFERENCE shall consist of the persons listed as the members of the four (4) divisional executives set out herein until 2 January 1997, the following shall also be a delegate,

T. Richardson - Secretary of former OPPWF, Queensland Branch.

The National Conference shall also include the persons (as set out herein) comprising the Federal Executive of the FFTS Union Division while that Union Division remains autonomous.

BRANCHES OF THE UNION

NEW SOUTH WALES BRANCH

New South Wales State Officers

Joint NSW State Secretary	Dennis Matthews
Joint NSW State Secretary	Ian Peel
Joint NSW State President	Gavin Hillier
Joint NSW State President	Michael Watson
Joint NSW State Assistant Secretary	Andrew Ferguson
Joint NSW State Assistant Secretary	Alf Rankin
Joint NSW State Senior Vice President	Thomas Burke
Joint NSW State Senior Vice President	Peter McClelland

Joint NSW State Senior Vice President	Edward Curran
Joint NSW State Senior Vice President	Sid Wales
Joint NSW State Vice President	Bevan Anderson
Joint NSW State Vice President	Howard Fisher
Joint NSW State Vice President	Mick Smith
Joint NSW State Vice President	Gary McArthur

New South Wales State Executive

Shall consist of the abovenamed persons being the NSW State Officers together with the persons who are the full-time Divisional Branch officers, other than organisers, of each Divisional Branch, being,

ATAIU NSW Divisional State Assistant Secretary, Joyce Tuckwell
FEDFA NSW Divisional State Assistant Secretary, Scott Gartrell
FFTS NSW Union Divisional State Assistant Secretary, Rex Smith

New South Wales State Conference

Shall consist of the persons who constitute NSW State Executive as listed above (i.e. including NSW State Officers) and the persons being the other members of ATAIU NSW Divisional Branch Management Committee and the Building Unions NSW Divisional Branch Management Committee and the UMW Divisional Branch Management Committee, and the FEDFA NSW Divisional Branch Management Committee and the FFTS Union Division NSW Branch Management Committee listed herein.

VICTORIAN BRANCH

Victorian State Officers

Joint Vic State Secretary	John Van Camp
Joint Vic State Secretary	Vince Raffa
Joint Vic State President	Barry King
Joint Vic State President	Lou Kyriacou
Joint Vic State Assistant Secretary	Martin Kingham
Joint Vic State Assistant Secretary	Vacant
Vic State Senior Vice President	Frank O'Grady
Joint Vic State Vice President	Vilma Stargatt
Joint Vic State Vice President	Malcolm McDonald
Joint Vic State Vice President	Alex Findlay
Joint Vic State Vice President	Vacant

Victorian State Executive

Shall consist of the abovenamed persons being the Victorian Divisional Officers, Building Unions Victorian Divisional State Assistant Secretary and the FEDFA Victorian Divisional State Assistant Secretary plus FFTS Union Division Victorian Divisional Branch Senior Organiser.

Victorian State Conference

Shall consist of the persons who constitute the persons being the other members of the ATAIU Victorian Divisional Branch Management Committee, the BWIU Victorian Divisional Branch Management Committee and the FEDFA Victorian Branch Management Committee and the FFTS Union Division Victorian Divisional Branch Management Committee listed herein.

SOUTH AUSTRALIAN BRANCH

South Australian State Officers

SA State Secretary	Ben Carslake
SA State President	Quentin Cook
Joint SA Senior State Vice President	A. Johnson
Joint SA Senior State Vice President	D. Frater
Joint SA State Vice President	A. Young
Joint SA State Vice President	G. Bull
Joint SA State Vice President	D. Stapleton
Joint SA State Assistant Secretary	Terry Carrol
Joint SA State Assistant Secretary	Geoff Day
Joint SA State Assistant Secretary	J. McGirr

South Australian State Executive

Shall consist of the abovenamed persons being South Australian State Officers and

ATAIU SA Divisional Branch Assistant Secretary
FFTS SA Divisional Branch Assistant Secretary

South Australian State Conference

Shall consist of the persons who constitute South Australian State Executive set out above and the persons being the other members of the ATAIU South Australian Divisional Branch Management Committee, the Building Unions South Australian Divisional Branch Management Committee the FFTS Union Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee listed herein.

TASMANIAN BRANCH

Tasmanian State Officers

Joint Tas State Secretary	Max Cordwell
Joint Tas State Secretary	Mike Grey
Joint Tas State President	Shayne Murphy
Joint Tas State President	Leonard Miles
Tas State Senior Vice President	Stephen Hevey
Joint Tas State Vice President	J. Gill
Joint Tas State Vice President	Colin Butler
Joint Tas State Vice President	M. Collins
Joint Tas State Vice President	David Bean
Joint Tas State Vice President	Barry Bishop
Joint Tas State Vice President	Ray Carroll
Tas State Assistant Secretary	

Tasmanian State Executive

Shall consist of the Full Time Tasmanian State Officers.

Tasmanian State Conference

Shall consist of the persons listed as the Tasmanian State Executive set out above and, the other persons being the persons listed as members of the ATAIU Tasmanian Divisional Branch

Management Committee, UMW Tasmanian Divisional Branch Management Committee, the Building Unions Tasmanian Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee and the FFTS Union Division Tasmanian Branch Management Committee listed herein.

AUSTRALIAN CAPITAL TERRITORY BRANCH

ACT State Officers

ACT State Secretary	George Wason
ACT State President	Rod Driver
Joint ACT State Vice President	Kate Lundy
Joint ACT State Vice President	J. McHugh
Joint ACT State Assistant Secretary	Trevor Zeltner
Joint ACT State Assistant Secretary	Stan Hambesis

ACT State Executive

Shall consist of the abovenamed persons listed as ACT State Officers.

ACT State Conference

Shall consist of those persons listed above as being the ACT State Executive and the other persons listed herein as members of the Building Unions ACT Divisional Branch Management Committee.

WESTERN AUSTRALIAN BRANCH

Western Australian State Officers

WA State Secretary	Bill Ethell
Joint WA State President	John Borlini
Joint WA State President	Alex A'Vard
Joint WA State Vice President	Gary Wood
Joint WA State Vice President	A. Baxter
Joint WA State Vice President	Ron Kielty
Joint WA State Vice President	A. Cook
Joint WA State Vice President	K. Reynolds
Joint WA State Assistant Secretary	Rick Todd
Joint WA State Assistant Secretary	Dave McIntyre

WA State Executive

Shall consist of the abovenamed persons listed as WA State Officers.

WA State Conference

Shall consist of those persons listed above as being the WA State Executive and the persons listed herein as members of the both Building Unions Divisional Branches' Management Committees, the members of the UMW WA District Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee.

QUEENSLAND BRANCH

Queensland State Officers

Joint Qld State Secretary	William Trohear
Joint Qld State Secretary	Greg Betts
Joint Qld State President	Andrew Vickers
Joint Qld State President	Peter Stone
Joint Qld State President	Des Holloway
Joint Qld State Senior Vice President	V. Robinson
Joint Qld State Vice President	B. Rushan
Joint Qld State Vice President	Kevin Anderson
Joint Qld State Vice President	Peter Neilson
Joint Qld State Assistant Secretary	Mark Hickey
Joint Qld State Assistant Secretary	Geoff Wilson
Joint Qld State Assistant Secretary	P. Waters

Queensland State Executive

Shall consist of the abovenamed persons listed as Queensland State Officers plus an additional person being the FFTS Union Division Qld Branch Assistant Secretary.

Queensland State Conference

Shall consist of those persons listed above as being the Queensland State Executive and the persons listed herein as members of the Building Unions Queensland Divisional Branch Management Committee, the members of the UMW Divisional Branch Management Committee and the members of the FEDFA Divisional Branch Management Committee and members of the FFTS Union Division Qld Divisional Branch Management Committee.

BUILDING UNIONS DIVISION

DIVISIONAL OFFICERS

Joint Divisional President	A. Littler
Joint Divisional President	B. Ethell
Divisional Secretary	S. Sharkey
Joint Divisional Assistant Secretary	J. Sutton
Joint Divisional Assistant Secretary	L. Fraser
Joint Divisional Senior Vice President	D. McDonald
Joint Divisional Senior Vice President	J. McGirr
Joint Divisional Vice President	C. Bates
Joint Divisional Vice President	M. Bingham
Joint Divisional Vice President	T. Burke

BUILDING UNIONS DIVISIONAL EXECUTIVE

The Divisional Officers of Building Unions Division as set out above, and

W. Trohear	Queensland
M. Cordwell	Tasmania
B. Carslake	South Australia
V. Raffa	Victoria
D. Cafferty	Victoria
G. Wason	Australian Capital Territory
D. Matthews	New South Wales
A. Rankin	New South Wales

B. Ethell	Western Australia
T. Carroll	Plasterers
K. Reynolds	WA Plasterers

BUILDING UNIONS DIVISIONAL CONFERENCE

The Divisional Officers of Building Unions Division and the Divisional Executive as set out above, and the following delegates from Building Unions Divisional Branches:

A. Ferguson	(NSW)	A. Wigchert	(QLD)
P. Grainger	(NSW)	M. Hickey	(QLD)
J. Briggs	(NSW)	T. Richardson	(QLD)
T. Morrison	(NSW)		
T. Mawdsley	(NSW)	F. O'Grady	(VIC)
J. Taylor	(NSW)	R. Williams	(VIC)
I. Smith	(NSW)	M. Kingham	(VIC)
B. Woodham	(NSW)	J. Saddington	(VIC)
T. McDonald	(NSW)		
E. Boatswain	(NSW)	R. Todd	(WA)

- together with the OPDU Federal Council as at the date of amalgamation.

BUILDING UNIONS DIVISIONAL TRUSTEES

W. Trohear	(QLD)
R. Driver	(ACT)

BUILDING UNIONS NSW DIVISIONAL BRANCH

Divisional State President	P. McClelland
Divisional State Secretary	D. Matthews
Joint Divisional State Assistant Secretary	A. Ferguson
Joint Divisional State Assistant Secretary	T. Burke
Joint Divisional State Assistant Secretary	A. Rankin
Divisional State Vice President	G. McArthur

BUILDING UNIONS NSW DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners
T. Morrison
J. Pineiro
I. Smith
L. Strutzenberger
M. Barrios

Bridge & Wharf
A. Melnikoff

Tilelayer
L. Quill

Slater & Tiler
M. Murphy

Bricklayers
H.D. Eisenhammer
A. Baxter

Builders Labourers
J. Ashdown
P. Balcombe
I. Gavin
S. Green

Stonemason
S. Cafarella

Plasterer
C. Howarth

Painters
J. Anning
J. Foster
J. Hoddle

BUILDING UNIONS NSW DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and -

Sydney Zone

Sydney Carpenters & Joiners
H. Brazao
P. Bristow
T. Connolly
P. Eggers
E. Elder
G. Kelly
F. Malis
P. Leyden
A. Zdrilic

Sydney Bricklayers
V. Catania
J. Taylor
M. McAliney

Sydney Builders Labourers
B. Granata
E. Harbidge
G. Sheen
D. Stean
J. McGee
S. Whetter

Country Zone

Country Carpenters & Joiners
L. Allen
R. Wills

Country Bricklayer
D. Atkinson

Country Builders Labourer
W. Shipman

Bridge & Wharf
C. Ford

Tilelayers
L. Quill

Slaters & Tilers
M. French

Stonemasons
J. Robinson

Plasterer
K. Andrews

Newcastle Zone

Newcastle Carpenters & Joiners
J. Allen
P. Cuskelly

Newcastle Bricklayer
L. Deeks

Newcastle Builders Labourer
E. Purins

Wollongong Zone

Wollongong Carpenters & Joiners
T. Gray
G. Karry

Wollongong Bricklayer
W. Hall

Wollongong Builders Labourer
M. Ward

BUILDING UNIONS NSW DIVISIONAL BRANCH TRUSTEES

T. Morrison
L. Strutzenberger
S. Green
J. Anning

BUILDING UNIONS NSW DIVISIONAL BRANCH ORGANISERS

B. Miller
P. Grainger
W. Baker
J. Briggs
B. Cochrane
N. Fodor
J. Higgins
J. Curruthers
J. Prentice
J. McKee
T. Hunt
M. Lawler
P. Zaboyak
M. Lynch
S. Manna
T. Mawdsley
D. Sullivan
C. Bates
J. Adams
J. McGahan
B. Beasley

Newcastle: R. Jarman

BUILDING UNIONS NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

T. McDonald
S. Sharkey
D. McDonald
J. Briggs
I. Smith
P. Grainger
J. Taylor
J. Sutton
T. Burke
E. Boatswain
D. Matthews
L. Fraser
C. Bates
A. Ferguson
T. Morrison
T. Mawdsley
B. Woodham

BUILDING UNIONS QLD DIVISIONAL BRANCH

Divisional State President — P. Stone
Divisional State Secretary — W.W. Trohear
Divisional State Assistant Secretary — M. Hickey
Divisional State Assistant Secretary — P. Waters
Divisional State Vice President — K. Anderson
Divisional State Vice President — B. Rushan

BUILDING UNIONS QLD DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

B. Tucker
P. Stone
T. Richardson
R. Bostock
K. Marcus
K. Anderson
B. Hopton
K. Bull
R. Vanderhorst
A. Pountey
F. Pearson
J. Gruer
G. Federer
B. Hall
G. Horn
B. McGill
M. Edwards

BUILDING UNIONS QLD DIVISIONAL BRANCH TRUSTEES

P. Stone

T. Richardson
R. Bostock
R. Vanderhorst

BUILDING UNIONS QLD DIVISIONAL BRANCH ORGANISERS

W. Perrett
D. Kersey
T. Richardson
K. Murphy
K. Carroll
G. Howcroft
A. Wigchert

BUILDING UNIONS QLD DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. Trohear
A. Wigchert
M. Hickey
T. Richardson

BUILDING UNIONS WA DIVISIONAL BRANCH

Divisional State President — A. Baxter
Divisional State Secretary — B. Ethell
Divisional State Assistant Secretary — R. Todd

BWIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

N. Houston
P. Alcantara
B. Churchill
B. Freeman
T. Bird
H. Johnson
M. Banks
J. Giles

BWIU WA DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

Perth
G. Curtin
R. Gaskell
C. Knight
B. Waller
A. De Klerk
M. Floud
N. Drayton
A. Hughes
K. Bulloch
J. Fitzgerald

Fremantle/Medina
C. Gorham
A. Phillips
J. Allison
P. Fairbotham
J. Curran

South West
J. McDonell

BWIU WA DIVISIONAL BRANCH ORGANISERS

D. Wildgoose
J. Gallagher

BWIU WA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Ethell
R. Todd

BUILDING UNIONS WA PLASTERERS DIVISIONAL BRANCH

Divisional State President	Mark Hudston
Divisional State Secretary	Kevin Reynolds
Divisional Branch Delegate to National Conference	Kevin Reynolds
Divisional State Vice President	Roy Cox
Divisional Committee of Management	James Hamilton
	Michael Naughton
Divisional Branch Organiser	Robert Manwaring

BUILDING UNIONS TAS DIVISIONAL BRANCH

Divisional State President	Stephen Hevey
Divisional State Secretary	Max Cordwell
Divisional State Assistant Secretary	T. Benson
Joint Divisional State Vice President	Ray Browne
Joint Divisional State Vice President	Ray Carroll
Joint Divisional State Vice President	M. Collins

BUILDING UNIONS TAS DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Adrian Telha	Paul Ridgeway
Roy Smedley	Grant Jackson
Ray Carroll	Gary Taylor
R. Edwards	L. Verrell

BUILDING UNIONS TAS DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

002 Area	003 Area
C. Green	A.J. Smith
A. Currie	L. Edwards
R. Dillon	P. Harris

004 Area

W. Maloney
B. Knowles
R. Doe

BUILDING UNIONS TAS DIVISIONAL BRANCH TRUSTEES

Max Cordwell	Stephen Hevey
Ray Browne	Adrian Telha
R. C. Edwards	A. R. Benson

BUILDING UNIONS TAS DIVISIONAL BRANCH ORGANISERS

Mark Telha
Martin Clifford
Ray Carroll

BUILDING UNIONS TAS DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

M. Cordwell

BUILDING UNIONS VIC DIVISIONAL BRANCH

Divisional State President	F. O'Grady
Divisional State Secretary	V. Raffa
Divisional Branch Assistant Secretaries	M. Kingham M. Bingham
Divisional State Vice President	B. Oliver

BUILDING UNIONS VIC DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners	**Builders Labourers**	**Painters**
R. Williams	T. Sinclair	M. Baird
R. Carter	R. Ryan	M. Garcia
G. Lavery	J. Nicol	K. B. Hughes
D. Van Dam	P. Lennon	P. Boyle
M. Santana	M. Bingham	M. Evans
W. Torpey	M. Ratel	
D. Noonan		
B. Giagnacovo		

Tilelayer	**Stonemason**
Z. Prazac	M. Newham

BUILDING UNIONS VIC DIVISIONAL BRANCH COUNCIL

Carpenters & Joiners	**Builders Labourers**
V. Nicoli	T. Bockting
K. Green	G. Young
D. Black	G. Miles
A. Moore	D. Noonan
W. Oliver	K. Hughes
H. Kotsabis	J. Bruce
D. Jacobson	J. McPartlin
G. Preddy	C. Leatham
D. Shacklock	

Stonemasons	**Tilelayers**
A. Patience	O. Kypta
G. Slack	Z. Prazak

Zone Delegates

Ballarat	Bendigo
V. Broes	T. Coleman

L. Brown
N. Davidson

N. Pyle
L. Worme

Brunswick
M. Kingham
W. McConnel
F. Stradijot

Camberwell
J. Baysinger
R. Bentley
S. Mitchell

Clifton Hill
F. Amarante
R. Collins
S. West

Essendon
D. Deprisco
T. Hancy
V. Raffa

Footscray
P. Leckie
F. Lopez
R. Storey

Geelong
J. Cody
J. O'Mara
B. Roche

Goulburn Valley
C. Craig
A. Kerris
P. O'Flaherty

Latrobe Valley
V. Beaton
M. Smith
A. Nabulsi

Melbourne
R. Carter
M. Santana
G. Tsotsos

Mordialloc
G. Burleigh
I. Nichol
P. Sullivan

Murray Valley
L. Fahey
S. Masterson
J. Salinger

Oakleigh
L. Bacolas
J. Medlyn
B. Smith

Preston
M. Collingburn
R. Lucas
N. Porter

Prahran
B. Giagnacovo
A. Medina
S. Delaney

Richmond
D. Blake
C. Commons
R. Hakainsson

South Western
K. O'Connor
A. Sargent
G. Sullivan

Sunraysia
A. Boldock
D. Costa
M. Dawes

Wimmera
R. Nesibit
G. Scott
A. Patterson

BUILDING UNIONS VIC DIVISIONAL BRANCH TRUSTEES

M. Kingham
B. Oliver
Vacant

M. Bingham
F. O'Grady
M. Baird

BUILDING UNIONS VIC DIVISIONAL BRANCH ORGANISERS

R. Welsh
T. Sinclair
R. Storey
W. Bingham
A. Medina
D. Jacobson
D. Noonan
P. Muldeary
H. Kotsabis
R. Carter
T. O'Kane
D. Riddell
G. Young
M. Kingham
M. Garcia

BUILDING UNIONS VIC DIVISIONAL BRANCH DELEGATES DIVISIONAL CONFERENCE

F. O'Grady
M. Kingham
V. Raffa
R. Williams
J. Saddington
M. Bingham

BUILDING UNIONS SA DIVISIONAL BRANCH

Divisional State President	A. Johnson
Divisional State Secretary	B. Carslake
Divisional State Vice President	G. Millar
Divisional State Vice President	D. Stapleton
Divisional State Assistant Secretary/Treasurer	T. Carroll
Divisional State Assistant Secretary/Treasurer	J. McGirr

BUILDING UNIONS SA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

BWIU	PLASTERERS	PAINTERS
F. Gosden	G. Parrish	George Tilley
T. Karrandjis	R. Watson	Greg Tilley
C. Morton	R. Bennett	Lambden
D. Sellmann	A. Spano	Weir
T. Middleton	S. Kesisoglou	McEwan
		Evans

BUILDING UNIONS SA DIVISIONAL BRANCH ORGANISERS

M. Gnatenko
H. Koemecker
M. Bella

BUILDING UNIONS SA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Carslake

BUILDING UNIONS ACT DIVISIONAL BRANCH

Divisional State President	R. Driver
Divisional State Secretary	G. Wason
Joint Divisional State Assistant Secretary	S. Hambesis

Joint Divisional State Assistant Secretary	T. Zeltner
Divisional State Vice President	K. Lundy
Divisional State Vice President	J. McHugh

BUILDING UNIONS ACT DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Pyner	J. Grey Reitz
A. Dillon	D. Rail
J. Long	G. Roderick
T. Lagoya	L. Lancsar
J. Diamante	B. Larke
G. McGowan-Lay	G. Cleghorn
P. Johnstone	P. Trapani

BUILDING UNIONS ACT DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

D. Thompson	G. Kirkwood
B. Norman	G. Frasin
C. Kaskoutas	W. Thompson
M. Morgan	J. Clyde
T. Gooden	R. Hemsley

BUILDING UNIONS ACT DIVISIONAL BRANCH TRUSTEES

G. Wason	R. Driver
S. Hambesis	K. Lundy
G. McGowan-Lay	

BUILDING UNIONS ACT DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

G. Wason

ATAIU DIVISIONAL BRANCH OFFICE HOLDERS

ATAIU DIVISIONAL OFFICERS

Divisional President	G. Hillier
Divisional Secretary	T. Smith
Divisional Assistant Secretary	C. Northover
Divisional Senior Vice President	S. Murphy
Joint Divisional Vice President	P. Illidge
Joint Divisional Vice President	B. King

ATAIU DIVISIONAL TRUSTEES

J. Tuckwell	Q. Cook
V. Stargatt	

Who form the Divisional Executive, and who with the following form the Divisional Conference

A. Roberg (SA)
C. Butler (TAS)
J. Gallogley (NSW)
M. Schuppan (NSW)
J. Beeson (VIC)
E. Swainston (VIC)
A. Dunlop (Pulp & Paper)
M. St Clair (SA)
B. Anderson (NSW)
J. Quartermaine (NSW)
B. Campbell (NSW)
B. Murpy (VIC)
M. Graham (Pulp & Paper)

ATAIU SA DIVISIONAL BRANCH

ATAIU SA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Young
Divisional Branch Secretary	Q. Cook
Divisional Branch Vice Presidents	M. St Clair
	A. Roberg

ATAIU SA DIVISIONAL BRANCH TRUSTEES

E. Cathro
J. Nicks
P. Martinella

Who form the Executive.

ATAIU SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

L. Barry
L. Kilsby
G. Schultz
B. Lockwood
T. Goodrich
F. Beimans
L. Pelkonen

ATAIU SA DIVISIONAL COUNCIL DELEGATES

M. St Clair
T. Smith
A. Young
Q. Cook

ATAIU NSW DIVISIONAL BRANCH

ATAIU NSW DIVISIONAL BRANCH OFFICERS

Divisional President	B. Anderson
Divisional Secretary	G. Hillier
Divisional Assistant Secretary	J. Tuckwell
Divisional Vice Presidents	G. Sacco
	J. Gallogley

ATAIU NSW DIVISIONAL BRANCH TRUSTEES

S. McDonald
B. Campbell
M. Schuppan

Who are officers and form the Executive.

ATAIU NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

W. Englert
S. Hudson
W. Sentance
C. Brooks
K. Yelverton
J. Quartermain
C. McGowan

ATAIU NSW DIVISIONAL COUNCIL DELEGATES

G. Hillier
J. Gallogley
J. Quartermain
B. Campbell
B. Anderson
S. McDonald
K. Yvelton

ATAIU VIC DIVISIONAL BRANCH

ATAIU VIC DIVISIONAL OFFICERS

Divisional President	V. Stargatt
Divisional Secretary	B. King
Divisional Vice Presidents	V. Iluk
	E. Swainston

ATAIU VIC DIVISIONAL BRANCH TRUSTEES

J. Beeson
B. Murphy
T. Carley

ATAIU VIC DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

J. Browne
P. Love
T. Stinton
S. Wilson
B. Harms
R. Owens
C. Walkear
P. Tait

ATAIU VIC DIVISIONAL COUNCIL DELEGATES

V. Stargatt
J. Beeson
B. Murphy
M. Lynch
E. Swainston

ATAIU TAS DIVISIONAL BRANCH

ATAIU TAS DIVISIONAL BRANCH OFFICERS

Divisional President	C. Butler
Divisional Secretary	S. Murphy
Divisional Vice Presidents	R. Ford
	D. Turriff

ATAIU TAS DIVISIONAL BRANCH TRUSTEES

C. Butler
R. Smith
S. Cahoon

ATAIU TAS DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

M. Barber
R. Foster
D. Harkes
B. Riley
S. Cahoon
R. French
N. Lincoln
R. Smith

ATAIU TAS DIVISIONAL COUNCIL DELEGATES

C. Butler
S. Murphy

ATAIU WA DIVISIONAL BRANCH

ATAIU WA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Cook
Divisional Branch Secretary	A. A'Vard
Divisional Branch Vice President	D. Murie
Divisional Branch Treasurer	R. Taylor

ATAIU WA DIVISIONAL BRANCH TRUSTEES

P. McCarthy
R. Henry
K. Smith

ATAIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

R. J. Smith
R. Reiter
V. McGlinn
G. P. Jaeschke
W. J. Hall
C. Hagelund
K. Cameron
J. Savage
M. Bennett

ATAIU NO. 7 DIVISIONAL BRANCH

ATAIU NO. 7 DIVISIONAL BRANCH OFFICERS

Divisional Branch President	P. Illidge
Divisional Branch Secretary/Treasurer	C. Northover
Divisional Branch Assistant Secretary/Treasurer	M. Graham
Divisional Vice Presidents	A. Dunlop
	R. Johnson

ATAIU NO. 7 DIVISIONAL BRANCH TRUSTEES

C. Northover
M. Graham

ATAIU NO. 7 DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

D. Garlick
T. Mackerell
N. Anderson
N. Allen
M. Donoghue
J. Wright
G. Aston
G. Morley
C. Glaubitz
D. McKay
P. Graham
T. Kelly

W. Hardy	G. Lincoln
G. Draper	T. Dwyer

ATAIU NO. 7 DIVISIONAL COUNCIL DELEGATES

C. Northover	M. Graham
P. Illidge	

ATAIU NOWRA SUB-BRANCH

President	Peter Graham
Senior Vice President	Harry Knowles
Junior Vice President	Tim Cato
Secretary-Treasurer	Mervyn Donoghue
Committee of Management	Rhonda Shelley
	Jim Evans
	Ray Clarke
	Alan Whitton
Delegate to No. 7 Branch	
Committee of Management	Mervyn Donoghue
	Peter Graham

ATAIU BURNIE SUB-BRANCH

President	George Draper
Senior Vice President	Barry Connors
Junior Vice President	Eric Edwards
Secretary-Treasurer	Geoffrey Lincoln
Committee of Management	
Alan Claridge	Graham Wells
Anthony Johnson	Andrew Crawn
Jack Wylie	Russell Norton
Danny Rowlands	Richard Troughton
Noel Stubbs	Rex Berry
Delegate to No. 7 Branch	
Committee of Management	Geoffrey Lincoln
	George Draper

ATAIU PORT HUON SUB-BRANCH

President	Barry Young
Senior Vice President	Colin McMullin
Junior Vice President	Jeff Parsons
Secretary-Treasurer	Wayne Hardy
Committee of Management	
Neville Burgess	Graeme Goaman
David Greatbatch	Ricky Cowen
Delegate to No. 7 Branch	
Committee of Management	Wayne Hardy

ATAIU MYRTLEFORD SUB-BRANCH

President	Vacant
Senior Vice President	Bruce Dale
Junior Vice President	Paul Ryan
Secretary-Treasurer	Trevor Dwyer
Committee of Management	Oliver Evans
	Colin Richardson
	Trevor Davis
	Robert Arnold
	Christopher Stone
Delegate to No. 7 Branch Committee of Management	Trevor Dwyer

ATAIU MARYVALE SUB-BRANCH

President	Neville Anderson
Senior Vice Persident	Charles Glaubitz
Junior Vice President	Cidge Fabris
Secretary/Treasurer	Graeme Morley
Committee of Management	
Steven Gilham	Robert Brown
Vernon Jones	Charles Stuart
Geoffrey Dorling	Brian McNamara
Peter Morris	Steven Mason
Wayne Snell	Vincent Nabel
Delegates to No. 7 Branch Committee of Management	Neville Anderson
	Charles Glaubitz
	Graeme Morley
Delegates Gippsland Trades & Labour Council	Graeme Morley
	Vernon Jones
	Brian McNamara
	Robert Brown

ATAIU SYDNEY SUB-BRANCH

President	Donald McKay
Senior Vice Pesident	Ron McElhinney
Junior Vice President	Edward Pram
Secretary-Treasurer	Philip Illidge
Committee of Management	
William Daly	Les Smith
William Flowers	Anthony De Bono
Harry Marshall	Wayne Trewella
Mark Skennerton	Joseph Bodor
Delegates to No. 7 Branch Committee of Management	Philip Illidge
	Donald McKay

ATAIU BROADFORD SUB-BRANCH

President	Vacant
Senior Vice President	Vacant
Junior Vice President	Vacant
Secretary-Treasurer	Len Allen
Committee of Management	Garry Nesbitt
	Terry Hobson
	Alan Cole
	Craig Waters
Delegate to No. 7 Branch Committee of Management	Len Allen

ATAIU MILLICENT SUB-BRANCH

President	John Wright
Senior Vice Pesident	Trevor Kelly
Junior Vice President	Richard Watts
Secretary-Treasurer	Robert Johnston
Committee of Management	Michael King
	Graeme Richards
	Mavis Kloock
	Graeme Richardson
	Gilbert Mouat
	Helen Walker
Delegates to No. 7 Branch Committee of Management	John Wright
	Trevor Kelly
	Robert Johnston

ATAIU MELBOURNE SUB-BRANCH

President	David Garlick
Senior Vice President	George Ashton
Junior Vice President	Vacant
Secretary-Treasurer	Alexander Dunlop

Committee of Management

William Horton	Stan Mazur
Terry Mackerell	Steve Morris
Tom Donelly	Ian James
Alex Miller	Michael Adamopolous

Delegates to No. 7 Branch Committee of Management	Alexander Dunlop
	David Garlick
	George Aston

Delegates to Victorian Trades Hall Council	Alexander Dunlop William Horton Terry Mackerell Malcolm Graham

UMW DIVISION

In accordance with Rule 42 - Transitional Provisions of the Rules of the Union being the National Rules the officers of the previously existing Mining Division immediately prior to the date of effect of the amalgamation shall be, on and from the date of effect of amalgamation the officers of the UMW Division which is the new name for the previous Mining Division and the only change therein shall be, to the extent necessary, the change in the title of office to reflect the change in the name of the Division from Mining Division to UMW Division.

FEDFA DIVISION

DIVISIONAL OFFICERS

Divisional President	M. McDonald
Divisional Secretary	V. Fitzgerald
Divisional Assistant Secretary	T. Maher

FEDFA DIVISIONAL EXECUTIVE

The Divisional Officers of FEDFA Division as set out above, and

I. Peel	New South Wales
J. Van Camp	Victoria
G. Betts	Queensland
G. Day	South Australia
B. O'Neil	Barrier
M. Grey	Tasmania
D. McIntyre	Western Australia

FEDFA DIVISIONAL CONFERENCE

The Divisional Officers of FEDFA Division and the Divisional Executive as set out above, and the following delegates from FEDFA Divisional Branches:

T. Maher	(NSW)
P. Jordan	(NSW)
B. Neilson	(VIC)
M. Hill	(VIC)
D. Holloway	(QLD)
G. Purtill	(QLD)
L. Wilson	(QLD)
B. Samson	(Barrier)
M. Buckley	(SA)
B. Low	(WA)
R. Harrison	(TAS)

FEDFA NSW DIVISIONAL BRANCH

Divisional Branch President	M. Smith
Divisional Branch Secretary	I. Peel
Divisional Branch Assistant Secretary	S. Gartrell

FEDFA NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above,

FEDFA NSW DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and regional delegates and organisers stated below,

Metropolitan
P. Wormleaton
R. Johnson
B. Francis
D. Whitehead
D. Dunn

Northern Region
N. Rose
M. Sealby
G. Webb
D. Owens
J. Nixon

Southern Region
K. Anderson
B. Barnham
G. Freeman
T. Potter

Western Area
R. Fuller
W. Williams

FEDFA NSW DIVISIONAL BRANCH ORGANISERS

Metropolitian
G. Avouris
T. Grant
S. Cochran

Northern
M. Beehag
S. Harding
L. Sinclair

Riverina
S. King
J. Wilson

Western
G. Childs

Southern
H. Miller

Mining
P. Jordan

Energy
A. Drew

FEDFA NSW DIVISIONAL BRANCH TRUSTEES

D. Dunn
L. Robinson
J. Owens

FEDFA NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

V. Fitzgerald

T. Maher
P. Jordan
I. Peel

FEDFA VICTORIAN DIVISIONAL BRANCH

Divisional Branch President	M. McDonald
Divisional Branch Secretary	J. Van Camp
Divisional Branch Assistant Secretary	M. Greenbury
Divisional Branch Vice President	M. Hill

FEDFA VICTORIAN DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

M. French
D. McDonald
D. Baker
J. Kadziela
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional Officers as set out above, and -

SECV Yallourn
P. Wilson

SECV Morwell
G. Reid

SECV LaTrobe
(vacant)

Country Provisional
W. Fleet
M. French
T. McKenzie
P. Skinner

Metropolitian
D. Baker
J. Kadziela

Organisers Rep.
A. Riley
M. Hallett
D. McDonald
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH ORGANISERS

W. Fleet
M. French
R. Hallett
M. Hill
A. Riley

TRUSTEES

M. McDonald
J. Van Camp

FEDFA VICTORIAN DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

J. Van Camp
M. McDonald
M. Hill
B. Nielson

FEDFA BARRIER DIVISIONAL BRANCH

Divisional Branch President	B. Samson
Divisional Branch Secretary	W. O'Neil
Divisional Branch Vice President	R. Hunter

FEDFA BARRIER DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above,

FEDFA BARRIER DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

D. Brennan	R. Adams
A. Fraser	B. Sayers
E. Snaith	

FEDFA BARRIER DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. O'Neil	B. Samson

TRUSTEES

R. Adams	B. Sayer
E. Snaith	

FEDFA TASMANIAN DIVISIONAL BRANCH

Divisional Branch President	B. Bishop
Divisional Branch Secretary	M. Grey

FEDFA TASMANIAN DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and - D. Dawson

FEDFA TASMANIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

Launceston	**Hobart**
D. Dawson	M. Hyland
Devonport	**Tullah**
(vacant)	T. Jones
Burnie	**Savage River**
L. Britton	R. Harrison
Rosebery/Lyell	**Organisers**
N. Hartnell	D. Moncrieff
	B. Best

FEDFA TASMANIAN DIVISONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

M. Grey R. Harrison

FEDFA WA DIVISONAL BRANCH

Divisional Branch President (vacant)
Divisional Branch Secretary (vacant)

FEDFA WA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

FEDFA WA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

P. Bates I. Douglas
T. Feeney D. Hellyer

FEDFA WA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

B. Low
(vacant)

FEDFA SA DIVISIONAL BRANCH

Divisional Branch President G. Bull
Divisional Branch Secretary G. Day
Divisional Branch Vice President F. Stonys

FEDFA SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Rogers R. Brewer

FEDFA SA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

J. Rodgers K. Maywald
F. Grosso F. Harrison
R. Brewer

ORGANISER

R. Brewer

FEDFA SA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

G. Day
M. Buckley

FEDFA QUEENSLAND DIVISONAL BRANCH

Divisional Branch President	D. Holloway
Divisional Branch Secretary	G. Betts
Divisional Branch Assistant Secretary	G. Wilson

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

S. Douglas	B. Scheuber
C. Swift	R. Coleman
L. Wilson	J. Spencer

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch State Management Committee as set out above, and -

M. Dowvendans	T. Quaid
L. Genrich	N. Rampton
R. Beattie	H. Heumiller
J. Rossington	C. Price
(vacant)	

FEDFA QUEENSLAND DIVISIONAL BRANCH ORGANISERS

D. Bloxsom	H. Heumiller
G. Flack	C. Price
C. Gillespie	T. Rosier
J. Rossington	B. Stacker
R. Tremlin	

FEDFA QUEENSLAND DIVISIONAL BRANCH TRUSTEES

D. Holloway	S. Douglas
G. Betts	L. Wilson

FFTS UNION DIVISION

DIVISIONAL OFFICERS

Divisional President	A. Findlay
Divisional Secretary	L. Kyriacou
Divisional Assistant Secretary	M. Haritou
Divisional Senior Vice-President	S. Wales
Divisional Junior Vice-President	D. Frater

FFTS UNION DIVISIONAL EXECUTIVE

The Divisional Officers of the FFTS Union Division as set out above, and

A. Smith	New South Wales
V. Robinson	Queensland

FFTS UNION DIVISIONAL CONFERENCE

The Divisional Officers of the FFTS Union Division and the Divisional Executive as set out above, and the following delegates from the FFTS Union Divisional Branches;

W. Brown (VIC)
M. Findlay (VIC)
R. Smith (NSW)
R. Groat (SA)
A. Cookson (QLD)
R. Orange (TAS)

FFTS UNION VIC. DIVISIONAL BRANCH

Divisional Branch President	M. Mitten
Divisional Branch Secretary	L. Kyriacou
Divisional Branch Assistant Secretary	A. Findlay
Divisional Branch Senior Vice-President	W. Brown
Divisional Branch Junior Vice-President	C. Avent
Divisional Branch Organiser	M. Haritou
Divisional Branch Organiser	R. Shugg

FFTS UNION VIC. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch Officers as set out above and -

A. Frazer	N. Hazeldine
G. Lee	P. Linzos
J. Maines	J. O'Brien
J. Patti	J. Robins
I. Whitcroft	L. Zanandrea
J. Calvert	

FFTS UNION NSW DIVISIONAL BRANCH

Divisional Branch President	R. Smith
Divisional Branch Secretary	S. Wales
Divisional Branch Assistant Secretary	R. Smith
Divisional Branch Vice-President	J. Callaway
Divisional Branch Organiser	Jack Lawrence

FFTS UNION NSW DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

J. Campbell	R. Davies
K. Campbell	W. Kraan
Robert Cumbo (Trustee)	Harry Irvine (Trustee)

FFTS UNION S.A. DIVISIONAL BRANCH

Divisional Branch President	R. Groat
Divisional Branch Secretary	D. Frater
Divisional Branch Assistant Secretary	S. Rowe
Divisional Branch Senior Vice-President	J. Emery

Divisional Branch Junior Vice-President	A. Reeves
Divisional Branch Organiser	S. Rowe
Divisional Branch Organiser	P. Wong
Divisional Branch Organiser	T. Woods

FFTS UNION S.A. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

B. Billington	M. Brownlie
P. Crisanti	A. Czora
A. Howlett	J. Salter
G. Whitford	

FFTS UNION QLD DIVISIONAL BRANCH

Divisional Branch President	G. William
Divisional Branch Secretary	V. Robinson
Divisional Branch Vice-President	A. Amos
Divisional Branch Assistant Secretary	A. Cookson

FFTS UNION QLD. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and - G. Dawson

FFTS UNION TAS DIVISIONAL BRANCH

Divisional Branch President	S. Negus
Divisional Branch Secretary	J. Gill
Divisional Branch Assistant Secretary	R. Orange
Divisional Branch Vice-President	C. Schoenwald
Additional Divisional Branch Executive member	W. Picken
Additional Divisional Branch Executive member	P. Green

FFTS UNION TAS DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

C. Sproule
W. Bandlow

END OF RULES

[105N-FED: incorporates alterations of 20/7/04 in matter R2004/326]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 91 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the Construction, Forestry, Mining and Energy Union
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1 - NAME

The name of the Union shall be the "Construction, Forestry, Mining and Energy Union".

2 - CONSTITUTION

(A)(A)The Union shall consist of an unlimited number of persons whether male or female

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in

paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;
(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union shall consist of an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

(l) persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connexion with the production or preparation of manufactured goods, plant, machinery, equipment, packages or containers for sale or purposes of distribution.

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker

Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due

south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the:

(i) The Union shall also consist of all persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) The Union shall also consist of an unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board,strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) The Union shall also consist of such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby the Union shall also consist of an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members.

(E) Without limiting the generality of the foregoing and without being limited thereby the Union shall consist of:-

(a) An unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river, and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Union or a branch of the Union or whilst financial members of the Union are elected as representatives of any working-class organisation to which the Union or a branch thereof is affiliated, or as a working-class member of Parliament.

Provided that mobile crane drivers, operators of fork lifts and/or tow motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

(b) Further, provided that, without limiting the generality of the foregoing the Union shall also consist of the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connexion with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and

employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, the Union shall consist of employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the Union shall consist of an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation

and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work

Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler,

generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery

and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

4 - OBJECTS

1. To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial and social legislation.

2. To regulate the conditions under which all members, of the Union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or association, or association of Trades Unions or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Branches, Divisions, Divisional Branches, Sub-Branches, Districts or Sections of the Union throughout the Commonwealth of Australia.

7. To further any scheme that has for its object the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labour and Trade Union newspapers and wireless broadcasting and television stations, and to invest in shares in such newspapers and radio and television stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide labour or Trade Union Organisation or Association.

10. To establish and manage a Union Journal or Journals.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

14. To render legal and other assistance to members for the recovery of wages or compensation for injuries, to protect the interests of the trade in all its Branches, and to assist other trades by any legal method.

15. To obtain such other objects as the National Conference or National Executive shall from time to time determine.

16. To organise the education of members.

17. To establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Divisional or Divisional Branches.

18. The advancement of members intellectually, morally and socially and to do all things which, in the opinion of the Union, is in the interest of members including donations to political parties, the achievement of compulsory unionism, preference in employment, retrenchment, promotion, demotion and transfer in employment, the production and distribution of newspapers, journals and the like.

19. To achieve such other objects as may be lawfully adopted by any Division of the Union.

20. To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

"UNION" shall mean this Union and shall include all its Divisions, Branches, Divisional Branches and/or any other section or part of the Union.

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"PROPORTIONAL REPRESENTATION" shall mean a system of representation at Committees, Conferences, Executives or the like which, as far as practicable, will provide for voting on a basis which

reflects the number or percentage of financial members, as calculated in accordance with these rules, that each person on such Committee, Conference, Executive or the like, represents.

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

> In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.
>
> If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast then that candidate shall be declared elected.
>
> If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.
>
> If a candidate has then an absolute majority of votes then that candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the vote preferences shall continue until one candidate has received an absolute majority of votes.
>
> In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.
>
> The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Mining and Energy Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Workplace Relations Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

(ii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Rules of the Union may require, and shall, when requested, fill in and sign such application form as may be provided.

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v)(a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of

application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

(vii) A member shall, when applying for membership be informed of the financial obligations arising from membership and the circumstances, and the manner, in which a member may resign from the organisation and shall be informed of such in writing.

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be

reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

(ii) Any member who has failed to pay the entrance fees, or contributions, levies and fines imposed in accordance with the rules of the union on or before the date specified in such rules, shall be deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant for admission or exercise any authority or any membership rights, provided that the rules may provide that some members or some class or classes of members may vote in a ballot and/or may differentiate between classes of members as to the amount of any contribution and/or entrance fee.

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.202 of the

Industrial Relations Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

(i) A member desiring to transfer to any other union covering their calling shall make application to the Divisional Branch Secretary, or where the rules of the union so provide, Divisional Sub-Branch, in writing, and shall pay all dues owing to the union, and the transfer will be forwarded to the Secretary of the union to which the member desires to transfer. Such member shall cease to be a member of this Union as from the date on which the transfer is forwarded to the Secretary of such other union.

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

(iii) A clearance shall not be granted to any member unless all moneys owing have first been paid.

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

A register of members and any other records of the Union required to be kept by the Industrial Relations Act and the Regulations made thereunder shall be kept at the registered office of the Union and so far as such records relate to a Division or Divisional Branch at the registered office of that Division or Divisional Branch.

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from

amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.
Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one

calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telegram or telex.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, telephonic, telegraphic, telex, verbal and/or written vote (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) The National Executive Committee shall consist of the National Principal Officers, being the National Secretary of the CFMEU, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Forestry, Furnishing, Building Products and Manufacturing Division, the General President of the Mining and Energy Division; together with the fulltime elected Officers of each Division who are fulltime at the National level and are not already one of the aforementioned National Principal Officers; two (2) Divisional Assistant Secretaries of the Forestry, Furnishing, Building Products and Manufacturing Division, one of whom shall be the Principal Officer of the Pulp and Paper Industry Sector and the other of whom shall be the Principal Officer of the Furnishing Industry Sector; and the Divisional President, and two (2) Divisional Assistant Secretaries of the Construction and General Division if not otherwise included.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive and National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six (6). A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a telegraphic, telex, facsimile, telephonic, email, written and/or postal vote of members of the National Executive or National Executive Committee at any time. Members of the National Executive or National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or telegram or telex or facsimile or email or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or email.

15 - NATIONAL EXECUTIVE

(i) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

(ii) The National officers shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

(iv) The National Executive shall, unless its actions are overturned by the National Conference, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds and property of the Union and shall have and may exercise no more and no less than all of the powers of the National Conference and, without limiting the generality of the foregoing may:

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Industrial Relations Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the

National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

* in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

16 - ELECTION OF NATIONAL OFFICERS

(i) The National Secretary, National Assistant Secretary and National President shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, for Divisions with more than one Divisional Branch, each Division shall be represented by at least one Officer.

Further provided that, for Division with more than one Divisional Branch, each Division shall hold at least one position of Joint Vice President as follows:

* Joint Vice President (Construction and General Division)
* Joint Vice President (FFPD Division)
* Joint Vice President (Mining & Energy Division)

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions by resolution from that Division's National Conference.

Further provided that there shall be a Principal Officer of the FFPD Division representing the former FFTS Division who shall be a National Senior Vice-President. Such officer shall be and remain a member of the National Executive and the National Executive Committee.

Further provided that the Construction & General Division Senior Vice-President (Builders Labourers) shall be a National Senior Vice-President and shall be and remain a member of the National Executive and National Executive Committee.

Further provided that the Construction & General Division Senior Vice-President (former National Secretary of the OPDU) shall be a National Senior Vice-President and shall be and remain a member of the National Executive and National Executive Committee.

All full-time officers of each Division, not otherwise elected to any of the foregoing positions, shall be and remain members of the National Executive Committee.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by post, letter, telegram, telephone, telex, facsimile and/or verbally as soon as the count is completed.

(ix) Provision to be made for the representatives of Divisions to cast votes proportionate to the membership of the respective Division in any ballot for the election of National Officers.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(ii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iii) Except in the case of the Mining & Energy Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) That nominations are called in accordance with the rules of the Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) That the nominations process, closure and receiving of, are in accordance with the rules of the Division.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) Officers of all Divisional Branches holding such office at the date of amalgamation shall remain in office until the general election of officers held in 1996 and shall be eligible to nominate in that election. In this paragraph officers of all Divisional Branches shall mean officers of branches of the amalgamating unions being the persons listed in the schedule hereto.

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall on a date which will enable the ballot paper to be posted not later than fourteen (14) clear days before the closing date of the ballot, send by either certified mail or prepaid ordinary mail to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by each Divisional Branch Secretary, and that envelope shall contain only the following documents:

(a) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(b) an empty unsealed pre-paid post envelope addressed to the Divisional Branch Returning Officer, c/- the numbered mail box referred to in this rule;

(c) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Branch Returning Officer may consider necessary;

(d) The candidates statement provided for in accordance with sub-rule (iii) (h) hereof.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed closed in accordance with the rules of the Division.

(r) That the opening and closing of the ballot shall be in accordance with the rules of the Division.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

"Preferential Voting" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter gives as their first preference, and shall place the number 2, 3, 4 (and so on as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the preference for them. In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate. If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference. If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preference shall be the same as is above prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except Mining and Energy Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(ii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iii) The Divisional Officers at a national level shall be members of that Divisional Executive.

(iv) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

Any Officer may be removed from office by majority decision of the National Executive, provided that such officer shall not be dismissed from office unless found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

Any officer so removed from office shall have the right of appeal to the National Conference. In the event of the appeal being upheld the National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

   National Executive shall:

   Determine the question to be submitted to the members and the form of the ballot paper.

   Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

   Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

   No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

   In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such

a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS

1. The following sets out the duties of the National Officers outlined herein. The National Secretary shall be a full time position. The wages and costs relating to the office of the full time officer shall be borne by the Union.

2. National President:

   The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

   The National President shall have a deliberative vote only.

   The National President shall perform all duties assigned to him/her by the National Conference or National Executive and shall be responsible with the National Secretary for the allocation of duties and responsibilities arising from decisions of the National Conference or the National Executive.

3. National Secretary:

   The National Secretary shall be responsible for the general correspondence of the Union, National finance, filing of documents, industrial returns and the carrying out of decisions made by National Conference or National Executive.

   The National Secretary shall have the power, subject to decisions of the National Executive and/or National Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the National Office and allocate duties and responsibilities within the National Office.

   The National Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the National Office, together with a statement of the assets and liabilities of the National Office for the year ending 31st December in each year.

   Such financial statement shall be presented to the National Executive for its approval and be published within the journal of the National Union.

   The National Secretary shall carry out such other functions as shall be determined from time to time by the National Conference or National Executive.

   The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretary:

   National Assistant Secretary shall perform all duties assigned to him/her by National Conference and National Executive. He/She shall attend all meetings of National Conference and National Executive.

5. Senior Vice-President:

The Senior Vice-President shall assist the National President in the conduct of meetings and shall preside in the absence of the National President, and shall carry out such other duties as shall be determined from time to time by the National Conference or the National Executive.

6. Vice-President/s:

The Vice-Presidents shall assist the National President/s or Senior Vice-President/s in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

They shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

7. Members of National Executive and Delegates to National Conference:

Members of National Executive and delegates to National Conference shall attend meetings of those bodies when summoned so to do.

8. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

Provided that each Division/Divisional Branch is responsible to meet all costs associated with the operation of its Division/Divisional Branch, including all costs associated with the attendance and participation by their representatives at meetings, including National Conference, National Executive Committee unless decided otherwise by the National Executive Committee.

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. No funds shall be drawn from the Bank or financial institution except by cheque signed by two persons who are a National Secretary, National Assistant Secretary, National President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President or National Assistant Secretary. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

The Auditor shall, in the report, draw attention of the National Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Union.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the National Secretary of a petition, signed by not less than 5% of the members of the Union, requesting that a general meeting of members of the Union be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the National Office, the National Secretary shall convene such meeting as soon as is practicable.

25 - ALTERATION OF RULES

(a) The rules of the Union, or any of them, may be altered, rescinded, varied or made by the National Conference and/or National Executive. Proposals for alterations of rules may be forwarded by Divisions, Branches or any member of the National Executive or delegate to the National Conference and shall be forwarded to members and/or delegates with the notice calling the National Conference or National Executive, as the case may be, or so soon thereafter as is practicable. Provided that National Conference or National Executive may, in session, alter rules of which previous notice has not been given.

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telegraphic, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Industrial Relations Act (Commonwealth) or the regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the Industrial Relations Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

These National Rules and all the rules of the Union, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisions, Branches, and Divisional Branches and all sections of the Union and on all members who now, or who may hereafter, belong to the Union until they are made or become null and void according to the law.

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each division shall have autonomy in relation to its funds and property.

(iv) Each Division shall have rules and have power to make, alter or rescind such rules, to be called Divisional Rules. Without limiting the generality of the foregoing paragraph, each Division shall have power to determine policy for that Division, not inconsistent with the rules and policy of the Union as decided by National Conference or National Executive.

(v) If there is any environmental matter that directly affects the employment of members of one Division only, then that Division whose members are so affected shall have the power to determine the policy of the Union on that matter.

(vi) Divisions shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland, New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.202 of the Industrial Relations Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of state unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or National Assistant Secretary or any person authorised by a National Secretary or National President or National Assistant Secretary so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary or any person authorised by a Divisional Secretary or Divisional Assistant Secretary may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, Divisional Secretary or Divisional Assistant Secretary, or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests issued by a Divisional Secretary or Divisional Assistant Secretary or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National Assistant Secretary, National President, Divisional Secretary and/or Divisional Assistant Secretary shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 361 Kent Street, Sydney in the State of New South Wales, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

Where a Division ceases to exist and the Union continues, the property of that defunct Division shall be vested in the Division to which the members of the defunct Division are allocated.

Where the Union is dissolved the property of the Union shall be vested in the trustees of each existing Division at the time of dissolution for the benefit of the members thereof on the basis that each such Division will continue to hold its own property and funds and any property or funds not vested at the time of dissolution in a Division shall be divided between the existing Divisions on a basis proportionate to the membership of each such Division.

35 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members may be sued for in the name of the Union by the National Secretary or by the Divisional Secretary, or Divisional Branch Secretary to which the member is attached, or by any other person or body authorised by the rules of the Union including the rules of any Divisional Branch or the Rules of any Division.

36 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy shall be decided by a majority of the National Conference or National Executive and shall not exceed $50.00 and when so decided shall be binding on all members or sections of members as National Conference or National Executive may decide.

(iii) A Division or Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

(a) If the National Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a rule, to a vote of National Conference or National Executive at any time when it is inconvenient to call National Executive or National Conference together, the National Secretary may submit a resolution dealing with the matter to the delegates or

members, by letter, facsimile, telegram, telephone, email, in writing, by computer link and/or by any other means of communication.

(b) A copy of such resolution shall, as soon as practicable thereafter, be sent to each Branch Secretary and each Divisional Secretary. The votes on such resolution shall be returnable to the National Secretary at such time as the National Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.

(c) Provided that where no record can be kept of the vote and/or decision, such a record shall be created and a copy of that record sent to each person entitled to vote or, in the case of computer linkages, the record is such that it can be viewed and/or copied by the person entitled to vote.

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

1. All motions shall be of an affirmative character and must be moved and seconded by delegates or members. Such motions become the property of Conference or Executive and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates or members present agree to an extension of time.

2. Unless a delegate or member rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

3. A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

4. A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

5. Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

6. All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chairperson's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

7. A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates or members present agree to an extension of time.

8. Right of Speaker: Any delegate desiring to speak shall rise and address the chairperson. If two or more delegates or members rise at the same time the chairperson shall call upon the one who, in the Chairperson's opinion, first rose. Provided that no delegates or members can speak more than once upon any question (which shall include the original motion and all amendments thereto) before Conference or Executive, except -

   (a) In reply as the mover of the original motion.
   (b) In explanation or correction of some matter during the debate.
   (c) Upon a point of order raised during the debate.
   (d) Upon a resolution being carried "that the delegate now be heard".

9. A delegate or member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by that delegate or member.

10. No more than two delegates or members shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

11. Any delegate or member speaking shall at once resume their seat -

   (a) If the chairperson rises to speak; or
   (b) If a point of order is raised.

   and shall not resume their speech until the point of order is decided.

12. No delegate or member may speak to any question after it has been put by the chairman or during the taking of the vote.

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of Conference.

CHAIRPERSON'S RULINGS

The chairperson's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by Conference or Executive. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the delegates or members present for Conference or Executive to suspend the order of business.

SITTING AS A COMMITTEE

Conference or Executive may at any time, by a resolution agreed to by a majority of delegates or members present, resolve itself into a committee of the whole. The rules governing the business of Conference or Executive shall be observed when in Committee.

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

The National Executive, the State Executive, a Divisional Executive or a Divisional Branch Management/Executive Committee may, in their absolute discretion, summon meetings of members over which they have authority and/or responsibility from time to time.

If such meeting is called notice shall be given in a union journal circulating in the area covering the members to which the meeting relates or in a mass circulation daily newspaper circulating in the area in which the meeting is to be held and such publication shall be issued at least fourteen days before the date of the meeting. The notice of such meeting shall specify the day, the date, the time and the place of such meeting.

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the Industrial Relations Act 1988, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, telex, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee, following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted

(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) deleted

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - Divisional Restructuring (FEDFA)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps which steps may deal with one Division at a time, Divisional Branches within a Division and/or the Divisional Office of any particular Division.

2. In relation to the above, the FEDFA Division shall be restructured in steps which shall involve:

(a) The abolition of full-time Divisional Officers at a national level and the allocation of responsibility for the FEDFA Division between the Building Unions Division and the UMW Division;

(b) The allocation of full-time Divisional Officers of the FEDFA Division to the Building Unions Division and the UMW Division;

(c) The continued operation of the Divisional Branches of the FEDFA Division with the intent, over time, of the restructuring of said Divisional Branches in accordance with Rule 42, into the Building Unions/Construction and General Division, UMW/Mining & Energy Division and the ATAIU/Forestry Division;

(d) The payment of capitation fees by FEDFA Divisional Branches to a designated fund which shall be administered by the Divisional Secretary of the FEDFA Division or, if or when that Office is abolished by the former Divisional Secretary and the Divisional Secretaries of the Building Unions and/or Construction and General Division and the UMW and/or Mining and Energy Division.

(e) The continued meeting of the Division Executive of the FEDFA Division for so long as is necessary before the complete restructuring of the FEDFA Division is effected in accordance with Rule 42.

3. On and from 27 September 1993, in accordance with the above procedure, the current Divisional Secretary of the FEDFA Division shall be and become the Divisional President of the Building Unions Division and the current Divisional Assistant Secretary of the FEDFA Division shall be and become a Divisional General Vice-President of the UMW Division and upon translation in accordance with Rule 42 (iii), shall hold the corresponding offices in the Construction and General Division and the Mining & Energy Division respectively.

4. The current Divisional Secretary and Divisional Assistant Secretary of the FEDFA Division shall continue to hold those positions in the FEDFA Division on an honorary basis until such time as the FEDFA Division no longer meets on a national basis.

5. This Rule shall come into force after its adoption by the National Executive and agreement thereto by the FEDFA Divisional Executive, UMW Divisional Executive and Building Unions Divisional Executive and thereupon shall be registered with the Australian Industrial Registry and shall take effect upon registration, or 27 September 1993, whichever is the later.

6. Further to the above provisions, and notwithstanding any other rule of the Union to the contrary, during the process of restructuring, any Divisional Branch of the FEDFA Division may reach agreement with any or all of the UMW Division/Mining & Energy Division and/or the Building

Unions Division/Construction and General Division and/or the Forestry Division or the relevant Divisional Branches thereof to transfer members and officers of the FEDFA Division to any and/or all of the other aforementioned Divisions. Such agreement shall be reached with the approval of the Management Committee or its equivalent in each Divisional Branch and the officers concerned. Any such Divisional Branch may reach agreement on some or all of the matters relating to such transfer and, failing agreement on any or all of such matters, refer the matters by agreement to the National Executive for decision. Until such time as there no longer exists an FEDFA Division in accordance with the Rules of the Union, all such officers transferred shall, notwithstanding the holding of positions in other Divisions, continue to hold the office or position in the FEDFA Division on an honorary basis and shall, to the extent that the Rules require same, continue to perform the functions associated with that office in relation to the FEDFA Division. All agreements in relation to the transfer of members and officers shall be notified to the National Executive Committee and attached to the Minutes thereof. Such agreements shall have force and effect in accordance with the terms thereof and from the date of effect of that agreement as specified in that agreement, or failing any specification thereof, on the date of the agreement.

7. The following table shows the restructuring of the FEDFA Division, merging with the appropriate Union Division to create Industry Divsions:

	(	merged with	)
STATE	CONSTRUCTION AND GENERAL	MINING AND ENERGY	FORESTRY
National Office	27 Sept 1993	27 Sept 1993	
Queensland	4 Feb 1994	1 Jan 1993	
New South Wales		Northern 2/4/93 Southern 1/7/93 Western 8/4/93 Energy 21/7/93	
Tasmania	31 July 1996	24 August 1996	1 Jan 1994
Sth Aust	1 Aug 1993	1 Aug 1993	
West Aust	1 Sept 1993	1 Sept 1993	
Victoria	1 Aug 2003	2 Jan 2001	
Barrier		1 July 1996	

42B - Merger with ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case

of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DIVISIONAL RESTRUCTURING (FFTS)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps, such steps may deal with one Division at a time and/or Divisional Branches within a restructured Division at a time.

2. In relation to the above, the FFTS Division shall on and from the 11th February 2002, be restructured in the first instance into the Forestry Division to form "The Forestry, Furnishing, Building Products and Manufacturing Division" (FFPD) which shall result in:

   (a) The abolition of full-time FFTS Divisional Officers at a national level and the allocation of responsibility for the FFTS Division to the restructured Division.

   (b) The allocation of Divisional/Branch Office Holders of the FFTS Division to the Office Holders positions of the restructured Division.

   (c) The continued operation of the Victorian and Queensland Divisional Branches of the FFTS Division within the restructured Division of up to four years beyond the expiration of the eight years referred to in sub-rule 42(xii). This sub-rule shall not otherwise affect the operation of sub-rule 42(xii). For the avoidance of doubt, the four years referred to in this sub-rule shall expire on 26 March 2005.

3. Further to the above provisions and notwithstanding any other rule of the Union to the contrary, the FFTS Victorian Branch shall unless otherwise agreed by the FFTS Victorian Branch Management Committee maintain its current structure and existence within the restructured Division up until 26 March 2005.

4. Prior to the 26 March 2005, the FFPD (which shall include representatives of the former FFTS Division) and the Construction & General Division (which shall include representatives from the National Office and all interested Branches) will meet under the chairpersonship of the National Secretary of the CFMEU to reach agreement to finalise translation/integration provisions intended by the respective Schemes of Amalgamation and the Rules of the Union in respect to the Forestry, FFTS and C&G Divisions.

5. Should agreement not be reached between the Divisions the matter shall be referred to the CFMEU National Executive to determine in accordance with the Schemes of Amalgamation and Rules of the Union.

6. Until the elections scheduled to be held in August 2004 the FFPD shall be constituted and represented as follows:-

(a) Divisional Conference shall consist of:-

(i) Forestry Division Representatives

Trevor Smith	SA	Jane Calvert	VIC
Paul Martinella	SA	Andy Laing	VIC
Mark Nicholls	SA	Ian Mullen	VIC
Brenton Lockwood	SA	Michael O'Connor	VIC
Scott McLean	TAS	Brad Platschinda	VIC
Colin Butler	TAS	Bevan Anderson	NSW
Gary Jaeschke	WA	Bruce CampbellNSW	
Christopher Northover	P&P	Craig Smith	NSW
Phillip Illidge	P&P	Eileen Anderson	NSW
Alex Millar	P&P	Kenneth Miller	NSW
Debbie Brennan	P&P		

(ii) FFTS Division Representation

Jim Emery	SA	Leo Skourdoumbis	VIC
David Kirner	SA	Frank Vari	VIC
Brad Parker	NSW	Joe Patti	VIC
Greg Williams	QLD	Cliff Palmer	VIC
John O'Brien	VIC	Alwin Seneviratne	VIC

(iii) Representation

Representation of the Forestry and FFTS Division Branches shall be in accordance with Rule 8 of the Forestry Division Rules.

(b) Divisional Executive shall consist of:-

(i)

Jane Calvert	Divisional President
Phillip Illidge	Divisional Snr V/President
Brad Parker	Divisional V/President
Craig Smith	Divisional V/President
Trevor Smith	Divisional Secretary
Chris Northover	Divisional Snr Assistant Secretary (Honorary)
Michael O'Connor	Divisional Assistant Secretary
Leo Skourdoumbis	Divisional Assistant Secretary (Honorary)
Kenneth Miller	Divisional Trustee
Dave Kirner	Divisional Trustee
Frank Vari	Divisional Trustee
Scott McLean	Divisional Trustee
Paul Martinella	Divisional Executive Member
Greg Williams	Divisional Executive Member
Gary Jaeschke	Divisional Executive Member

(c) FFPD NSW Branch Executive/Committee of Management

Brad Parker	Joint President (full-time)
Bevan Anderson	Joint President (Honorary)
Bruce Campbell	Snr V/President
Jayne Willet	Jnr V/President (AA)
Tom Abramovic	Jnr V/President
Craig Smith	Secretary
Sala Taalilil	Trustee

Eileen Anderson	Trustee (AA)
Peter Reilly	Trustee
Ronnie Watson	Trustee
Kenneth Miller	Trustee
Alan Lanyon	Committee Member
Barry Barrakett	Committee Member
Cheryl Hampton	Committee Member
Kerry Hickey	Committee Member
Mark Thompson	Committee Member
Michael Schuppan	Committee Member
Peter StClair	Committee Member
Anthony Ovington	Committee Member

(2 Vacant COM positions to be filled by FFTS)

(d) (a) FFPD VIC FFTS Branch Executive/Committee of Management

Joe Patti	President
Cliff Palmer	V/President
John O'Brien	V/President
Leo Skourdoumbis	Secretary
Frank Vari	Assistant Secretary
Michael Doran	Trustee
Ernie Landolt	Trustee
Les Ford	Trustee
Florencio P Carrion	Committee Member
Eric Maher	Committee Member
Jeffery Connor	Committee Member
Brenda Crawford	Committee Member
Penny Lintzos	Committee Member
James Maine	Committee Member
Alwin Seneviratne	Committee Member
Greg Wheeler	Committee Member
Chris Christou	Committee Member
Damian Cooke	Committee Member
Ian Morris	Committee Member

(b) FFPD VIC Forestry Branch Executive/Committee of Management

Andy Laing	President
Ian Mullen	Snr V/President
Andrew Wareham	V/President
Kim Mason	V/President (AA)
Jane Calvert	Secretary
Yorick Piper	Assistant Secretary
Kevin Wyley	Trustee
Clare Burford	Trustee (AA)
Ken Tonkin	Trustee
Mark Nelson	Trustee
Ricky Owens	Committee Member
Bob Salmnon	Committee Member
Wayne Smith	Committee Member
Neil Saunders	Committee Member
David Sheppard	Committee Member
Sunsera Verhoven	Committee Member
Anthony Jones	Committee Member
Duncan Ingram	Committee Member

Graeme Howe	Committee Member

(1 vacant COM AA position to be filled)

(e) FFPD Pulp & Paper Branch Executive/Committee of Management

Phillip Illidge	President
Robert Johnston	Snr V/President
Alex Millar	Jnr V/President
Chris Northover	Secretary/Treasurer
Grant Keys	Trustee
Chris Northover	Trustee
Alex Millar	Trustee
Geoff Gasperotti	Committee Member
Wayne Hardy	Committee Member
Andrew Ball	Committee Member
Greg Stewart	Committee Member
David Jessup	Committee Member
Mervyn Donoghue	Committee Member
Tom Blacka	Committee Member
Craig Waters	Committee Member
Ken Fraser	Committee Member
William Davey	Committee Member
Greg Godde	Committee Member
Trevor Sinclair	Committee Member
Marne Gurney	Committee Member

(f) FFPD SA Branch Executive & Committee of Management

Jim Emery	President
Mark Nicholls	Snr V/President
Tony Howlett	V/President
Maree Gale	V/President
Paul Martinella	Secretary
David Kirner	Assistant Secretary
Steve Crafter	Trustee
Tom Kenny	Trustee
Ross Bennetta	Trustee
Leonie Kiploks	Trustee (AA)
Karen Cory	Committee Member
Mark Vickers	Committee Member
Peter Nelson	Committee Member
Greg Muhovics	Committee Member
Andrew Sampson	Committee Member
Kym Isaacson	Committee Member
Peter Starr	Committee Member
Bill Burns	Committee Member
Bernie Maguire	Committee Member
Laurie Barbary	Committee Member

(1 Vacant COM AA position to be filled by FFTS)

(g) FFPD TAS Branch Executive & Committee of Management

Colin Butler	President
Angela Lord	Snr V/President
Narrelle Bassett	V/President (AA)
Anthony Clay	V/President

Scott McLean	Secretary
Shiralee Gillespie	Trustee (AA)
Ronald Brown	Trustee
Leanne Hardy	Trustee (AA)
Lindsay Hills	Trustee
Robert Bowden	Committee Member
Paul Worker	Committee Member
Peter Mason	Committee Member
Margaret Watson	Committee Member
Kylie Dundas	Committee Member
Joseph Kelly	Committee Member
Anthony Barnes	Committee Member
Adrian Littlejohn	Committee Member

(h) FFPD QLD Branch Executive/Committee of Management

Ursula Korableff	President
Desmond Flanagan	V/President
Stephan Williams	V/President
Greg Williams	Secretary
Rodney Black	Committee Member
Vincent Breen	Committee Member
John Forrest	Committee Member

(i) FFPD WA Branch Executive/Committee of Management

John Rudge	President
Vincent Preedy	Snr V/President
Douglas Ashcroft	V/President
Gary Jaeschke	Secretary (Honorary)
John Cleary	Trustee
Garry Rampling	Trustee

7. This rule shall come into force on and from 11 February 2002 in accordance with the unanimous decision of the National Executive and shall be registered with the Australian Industrial Registry.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State or Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS

(i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

Nothing in this Rule prevents the Branch from entering into an agreement with a Trade or Industrial Union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or on a basis on which the funds are held in common or jointly so long as the funds are treated, for all purposes, insofar as they relate to members of the Branch, as funds of the Branch.

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

The Auditor shall, in the aforesaid report, draw attention of the State Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Branch.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made pursuant thereto.

Upon receipt by the State Branch Secretary of a petition, signed by not less than 5% of the members of the State Branch, requesting that a general meeting of members of the State Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the State Branch, the State Branch Secretary shall convene such meeting as soon as is practicable.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

SCHEDULE OF OFFICERS REFERRED TO IN RULE 42 (xiv) (a)

POSITION	PERSON TO HOLD POSITION
NATIONAL UNION	
** Joint National Secretary	Stanley Sharkey
** Joint National Secretary	Vic Fitzgerald
** Joint National President	John Maitland
** Joint National President	Trevor Smith
** National Assistant Secretary	John Sutton
** National Senior Vice President	Lou Kyriacou

* National Senior Vice President	Albert Littler
National Senior Vice President	Bill Ethell
Joint National Vice President	Christopher Northover
Joint National Vice President	Kenneth Hawkins
Joint National Vice President	Malcolm McDonald
Joint National Vice President	Thomas Burke
* FEDFA Divisional Assistant Secretary	Tony Maher
* BWIU/Plasterers Divisional Assistant Secretary	Lindsay Fraser
* ATAIU Divisional Assistant Secretary	Chris Northover
* UMW Divisional General Secretary	Eric A Wilks
* UMW Divisional Vice President	Kenneth Hawkins

NATIONAL EXECUTIVE COMMITTEE shall consist of the six (6) principal officers (marked **) plus the other full-time Divisional Officers of each Division (marked *).

NATIONAL EXECUTIVE shall consist of the persons who constitute the National Executive Committee set out above and the Divisional Branch Secretary of each Divisional Branch of each Division set out herein and shall, in accordance with Rule 42 (viii) (a) include the National President and National Secretary of the former OPPWF. This body shall also include the Divisional Branch Secretaries from Victoria, New South Wales, South Australia and Queensland of the FFTS Union Division.

It also includes the South Australian, Victoria and Queensland Branch Secretaries and the NSW Branch Assistant Secretary of the former OPDU.

NATIONAL CONFERENCE shall consist of the persons listed as the members of the four (4) divisional executives set out herein until 2 January 1997, the following shall also be a delegate,

T. Richardson - Secretary of former OPPWF, Queensland Branch.

The National Conference shall also include the persons (as set out herein) comprising the Federal Executive of the FFTS Union Division while that Union Division remains autonomous.

BRANCHES OF THE UNION

NEW SOUTH WALES BRANCH

New South Wales State Officers

Joint NSW State Secretary	Dennis Matthews
Joint NSW State Secretary	Ian Peel
Joint NSW State President	Gavin Hillier
Joint NSW State President	Michael Watson
Joint NSW State Assistant Secretary	Andrew Ferguson
Joint NSW State Assistant Secretary	Alf Rankin
Joint NSW State Senior Vice President	Thomas Burke
Joint NSW State Senior Vice President	Peter McClelland

Joint NSW State Senior Vice President	Edward Curran
Joint NSW State Senior Vice President	Sid Wales
Joint NSW State Vice President	Bevan Anderson
Joint NSW State Vice President	Howard Fisher
Joint NSW State Vice President	Mick Smith
Joint NSW State Vice President	Gary McArthur

New South Wales State Executive

Shall consist of the abovenamed persons being the NSW State Officers together with the persons who are the full-time Divisional Branch officers, other than organisers, of each Divisional Branch, being,

ATAIU NSW Divisional State Assistant Secretary, Joyce Tuckwell
FEDFA NSW Divisional State Assistant Secretary, Scott Gartrell
FFTS NSW Union Divisional State Assistant Secretary, Rex Smith

New South Wales State Conference

Shall consist of the persons who constitute NSW State Executive as listed above (i.e. including NSW State Officers) and the persons being the other members of ATAIU NSW Divisional Branch Management Committee and the Building Unions NSW Divisional Branch Management Committee and the UMW Divisional Branch Management Committee, and the FEDFA NSW Divisional Branch Management Committee and the FFTS Union Division NSW Branch Management Committee listed herein.

VICTORIAN BRANCH

Victorian State Officers

Joint Vic State Secretary	John Van Camp
Joint Vic State Secretary	Vince Raffa
Joint Vic State President	Barry King
Joint Vic State President	Lou Kyriacou
Joint Vic State Assistant Secretary	Martin Kingham
Joint Vic State Assistant Secretary	Vacant
Vic State Senior Vice President	Frank O'Grady
Joint Vic State Vice President	Vilma Stargatt
Joint Vic State Vice President	Malcolm McDonald
Joint Vic State Vice President	Alex Findlay
Joint Vic State Vice President	Vacant

Victorian State Executive

Shall consist of the abovenamed persons being the Victorian Divisional Officers, Building Unions Victorian Divisional State Assistant Secretary and the FEDFA Victorian Divisional State Assistant Secretary plus FFTS Union Division Victorian Divisional Branch Senior Organiser.

Victorian State Conference

Shall consist of the persons who constitute the persons being the other members of the ATAIU Victorian Divisional Branch Management Committee, the BWIU Victorian Divisional Branch Management Committee and the FEDFA Victorian Branch Management Committee and the FFTS Union Division Victorian Divisional Branch Management Committee listed herein.

SOUTH AUSTRALIAN BRANCH

South Australian State Officers

SA State Secretary	Ben Carslake
SA State President	Quentin Cook
Joint SA Senior State Vice President	A. Johnson
Joint SA Senior State Vice President	D. Frater
Joint SA State Vice President	A. Young
Joint SA State Vice President	G. Bull
Joint SA State Vice President	D. Stapleton
Joint SA State Assistant Secretary	Terry Carrol
Joint SA State Assistant Secretary	Geoff Day
Joint SA State Assistant Secretary	J. McGirr

South Australian State Executive

Shall consist of the abovenamed persons being South Australian State Officers and

ATAIU SA Divisional Branch Assistant Secretary
FFTS SA Divisional Branch Assistant Secretary

South Australian State Conference

Shall consist of the persons who constitute South Australian State Executive set out above and the persons being the other members of the ATAIU South Australian Divisional Branch Management Committee, the Building Unions South Australian Divisional Branch Management Committee the FFTS Union Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee listed herein.

TASMANIAN BRANCH

Tasmanian State Officers

Joint Tas State Secretary	Max Cordwell
Joint Tas State Secretary	Mike Grey
Joint Tas State President	Shayne Murphy
Joint Tas State President	Leonard Miles
Tas State Senior Vice President	Stephen Hevey
Joint Tas State Vice President	J. Gill
Joint Tas State Vice President	Colin Butler
Joint Tas State Vice President	M. Collins
Joint Tas State Vice President	David Bean
Joint Tas State Vice President	Barry Bishop
Joint Tas State Vice President	Ray Carroll
Tas State Assistant Secretary	

Tasmanian State Executive

Shall consist of the Full Time Tasmanian State Officers.

Tasmanian State Conference

Shall consist of the persons listed as the Tasmanian State Executive set out above and, the other persons being the persons listed as members of the ATAIU Tasmanian Divisional Branch

Management Committee, UMW Tasmanian Divisional Branch Management Committee, the Building Unions Tasmanian Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee and the FFTS Union Division Tasmanian Branch Management Committee listed herein.

AUSTRALIAN CAPITAL TERRITORY BRANCH

ACT State Officers

ACT State Secretary	George Wason
ACT State President	Rod Driver
Joint ACT State Vice President	Kate Lundy
Joint ACT State Vice President	J. McHugh
Joint ACT State Assistant Secretary	Trevor Zeltner
Joint ACT State Assistant Secretary	Stan Hambesis

ACT State Executive

Shall consist of the abovenamed persons listed as ACT State Officers.

ACT State Conference

Shall consist of those persons listed above as being the ACT State Executive and the other persons listed herein as members of the Building Unions ACT Divisional Branch Management Committee.

WESTERN AUSTRALIAN BRANCH

Western Australian State Officers

WA State Secretary	Bill Ethell
Joint WA State President	John Borlini
Joint WA State President	Alex A'Vard
Joint WA State Vice President	Gary Wood
Joint WA State Vice President	A. Baxter
Joint WA State Vice President	Ron Kielty
Joint WA State Vice President	A. Cook
Joint WA State Vice President	K. Reynolds
Joint WA State Assistant Secretary	Rick Todd
Joint WA State Assistant Secretary	Dave McIntyre

WA State Executive

Shall consist of the abovenamed persons listed as WA State Officers.

WA State Conference

Shall consist of those persons listed above as being the WA State Executive and the persons listed herein as members of the both Building Unions Divisional Branches' Management Committees, the members of the UMW WA District Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee.

QUEENSLAND BRANCH

Queensland State Officers

Joint Qld State Secretary	William Trohear
Joint Qld State Secretary	Greg Betts
Joint Qld State President	Andrew Vickers
Joint Qld State President	Peter Stone
Joint Qld State President	Des Holloway
Joint Qld State Senior Vice President	V. Robinson
Joint Qld State Vice President	B. Rushan
Joint Qld State Vice President	Kevin Anderson
Joint Qld State Vice President	Peter Neilson
Joint Qld State Assistant Secretary	Mark Hickey
Joint Qld State Assistant Secretary	Geoff Wilson
Joint Qld State Assistant Secretary	P. Waters

Queensland State Executive

Shall consist of the abovenamed persons listed as Queensland State Officers plus an additional person being the FFTS Union Division Qld Branch Assistant Secretary.

Queensland State Conference

Shall consist of those persons listed above as being the Queensland State Executive and the persons listed herein as members of the Building Unions Queensland Divisional Branch Management Committee, the members of the UMW Divisional Branch Management Committee and the members of the FEDFA Divisional Branch Management Committee and members of the FFTS Union Division Qld Divisional Branch Management Committee.

BUILDING UNIONS DIVISION

DIVISIONAL OFFICERS

Joint Divisional President	A. Littler
Joint Divisional President	B. Ethell
Divisional Secretary	S. Sharkey
Joint Divisional Assistant Secretary	J. Sutton
Joint Divisional Assistant Secretary	L. Fraser
Joint Divisional Senior Vice President	D. McDonald
Joint Divisional Senior Vice President	J. McGirr
Joint Divisional Vice President	C. Bates
Joint Divisional Vice President	M. Bingham
Joint Divisional Vice President	T. Burke

BUILDING UNIONS DIVISIONAL EXECUTIVE

The Divisional Officers of Building Unions Division as set out above, and

W. Trohear	Queensland
M. Cordwell	Tasmania
B. Carslake	South Australia
V. Raffa	Victoria
D. Cafferty	Victoria
G. Wason	Australian Capital Territory
D. Matthews	New South Wales
A. Rankin	New South Wales

B. Ethell	Western Australia
T. Carroll	Plasterers
K. Reynolds	WA Plasterers

BUILDING UNIONS DIVISIONAL CONFERENCE

The Divisional Officers of Building Unions Division and the Divisional Executive as set out above, and the following delegates from Building Unions Divisional Branches:

A. Ferguson	(NSW)	A. Wigchert	(QLD)
P. Grainger	(NSW)	M. Hickey	(QLD)
J. Briggs	(NSW)	T. Richardson	(QLD)
T. Morrison	(NSW)		
T. Mawdsley	(NSW)	F. O'Grady	(VIC)
J. Taylor	(NSW)	R. Williams	(VIC)
I. Smith	(NSW)	M. Kingham	(VIC)
B. Woodham	(NSW)	J. Saddington	(VIC)
T. McDonald	(NSW)		
E. Boatswain	(NSW)	R. Todd	(WA)

- together with the OPDU Federal Council as at the date of amalgamation.

BUILDING UNIONS DIVISIONAL TRUSTEES

W. Trohear	(QLD)
R. Driver	(ACT)

BUILDING UNIONS NSW DIVISIONAL BRANCH

Divisional State President	P. McClelland
Divisional State Secretary	D. Matthews
Joint Divisional State Assistant Secretary	A. Ferguson
Joint Divisional State Assistant Secretary	T. Burke
Joint Divisional State Assistant Secretary	A. Rankin
Divisional State Vice President	G. McArthur

BUILDING UNIONS NSW DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners
T. Morrison
J. Pineiro
I. Smith
L. Strutzenberger
M. Barrios

Bridge & Wharf
A. Melnikoff

Tilelayer
L. Quill

Slater & Tiler
M. Murphy

Bricklayers
H.D. Eisenhammer
A. Baxter

Builders Labourers
J. Ashdown
P. Balcombe
I. Gavin
S. Green

Stonemason
S. Cafarella

Plasterer
C. Howarth

Painters
J. Anning
J. Foster
J. Hoddle

BUILDING UNIONS NSW DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and -

Sydney Zone

Sydney Carpenters & Joiners
H. Brazao
P. Bristow
T. Connolly
P. Eggers
E. Elder
G. Kelly
F. Malis
P. Leyden
A. Zdrilic

Sydney Bricklayers
V. Catania
J. Taylor
M. McAliney

Sydney Builders Labourers
B. Granata
E. Harbidge
G. Sheen
D. Stean
J. McGee
S. Whetter

Country Zone

Country Carpenters & Joiners
L. Allen
R. Wills

Country Bricklayer
D. Atkinson

Country Builders Labourer
W. Shipman

Bridge & Wharf
C. Ford

Tilelayers
L. Quill

Slaters & Tilers
M. French

Stonemasons
J. Robinson

Plasterer
K. Andrews

Newcastle Zone

Newcastle Carpenters & Joiners
J. Allen
P. Cuskelly

Newcastle Bricklayer
L. Deeks

Newcastle Builders Labourer
E. Purins

Wollongong Zone

Wollongong Carpenters & Joiners
T. Gray
G. Karry

Wollongong Bricklayer
W. Hall

Wollongong Builders Labourer
M. Ward

BUILDING UNIONS NSW DIVISIONAL BRANCH TRUSTEES

T. Morrison
L. Strutzenberger
S. Green
J. Anning

BUILDING UNIONS NSW DIVISIONAL BRANCH ORGANISERS

B. Miller
P. Grainger
W. Baker
J. Briggs
B. Cochrane
N. Fodor
J. Higgins
J. Curruthers
J. Prentice
J. McKee
T. Hunt
M. Lawler
P. Zaboyak
M. Lynch
S. Manna
T. Mawdsley
D. Sullivan
C. Bates
J. Adams
J. McGahan
B. Beasley

Newcastle: R. Jarman

BUILDING UNIONS NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

T. McDonald
S. Sharkey
D. McDonald
J. Briggs
I. Smith
P. Grainger
J. Taylor
J. Sutton
T. Burke
E. Boatswain
D. Matthews
L. Fraser
C. Bates
A. Ferguson
T. Morrison
T. Mawdsley
B. Woodham

BUILDING UNIONS QLD DIVISIONAL BRANCH

Divisional State President — P. Stone
Divisional State Secretary — W.W. Trohear
Divisional State Assistant Secretary — M. Hickey
Divisional State Assistant Secretary — P. Waters
Divisional State Vice President — K. Anderson
Divisional State Vice President — B. Rushan

BUILDING UNIONS QLD DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

B. Tucker
P. Stone
T. Richardson
R. Bostock
K. Marcus
K. Anderson
B. Hopton
K. Bull
R. Vanderhorst
A. Pountey
F. Pearson
J. Gruer
G. Federer
B. Hall
G. Horn
B. McGill
M. Edwards

BUILDING UNIONS QLD DIVISIONAL BRANCH TRUSTEES

P. Stone

T. Richardson
R. Bostock
R. Vanderhorst

BUILDING UNIONS QLD DIVISIONAL BRANCH ORGANISERS

W. Perrett
D. Kersey
T. Richardson
K. Murphy
K. Carroll
G. Howcroft
A. Wigchert

BUILDING UNIONS QLD DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. Trohear
A. Wigchert
M. Hickey
T. Richardson

BUILDING UNIONS WA DIVISIONAL BRANCH

Divisional State President — A. Baxter
Divisional State Secretary — B. Ethell
Divisional State Assistant Secretary — R. Todd

BWIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

N. Houston
P. Alcantara
B. Churchill
B. Freeman
T. Bird
H. Johnson
M. Banks
J. Giles

BWIU WA DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

Perth
G. Curtin
R. Gaskell
C. Knight
B. Waller
A. De Klerk
M. Floud
N. Drayton
A. Hughes
K. Bulloch
J. Fitzgerald

Fremantle/Medina
C. Gorham
A. Phillips
J. Allison
P. Fairbotham
J. Curran

South West
J. McDonell

BWIU WA DIVISIONAL BRANCH ORGANISERS

D. Wildgoose
J. Gallagher

BWIU WA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Ethell
R. Todd

BUILDING UNIONS WA PLASTERERS DIVISIONAL BRANCH

Divisional State President	Mark Hudston
Divisional State Secretary	Kevin Reynolds
Divisional Branch Delegate to National Conference	Kevin Reynolds
Divisional State Vice President	Roy Cox
Divisional Committee of Management	James Hamilton
	Michael Naughton
Divisional Branch Organiser	Robert Manwaring

BUILDING UNIONS TAS DIVISIONAL BRANCH

Divisional State President	Stephen Hevey
Divisional State Secretary	Max Cordwell
Divisional State Assistant Secretary	T. Benson
Joint Divisional State Vice President	Ray Browne
Joint Divisional State Vice President	Ray Carroll
Joint Divisional State Vice President	M. Collins

BUILDING UNIONS TAS DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Adrian Telha	Paul Ridgeway
Roy Smedley	Grant Jackson
Ray Carroll	Gary Taylor
R. Edwards	L. Verrell

BUILDING UNIONS TAS DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

002 Area	003 Area
C. Green	A.J. Smith
A. Currie	L. Edwards
R. Dillon	P. Harris

004 Area

W. Maloney
B. Knowles
R. Doe

BUILDING UNIONS TAS DIVISIONAL BRANCH TRUSTEES

Max Cordwell	Stephen Hevey
Ray Browne	Adrian Telha
R. C. Edwards	A. R. Benson

BUILDING UNIONS TAS DIVISIONAL BRANCH ORGANISERS

Mark Telha
Martin Clifford
Ray Carroll

BUILDING UNIONS TAS DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

M. Cordwell

BUILDING UNIONS VIC DIVISIONAL BRANCH

Divisional State President	F. O'Grady
Divisional State Secretary	V. Raffa
Divisional Branch Assistant Secretaries	M. Kingham M. Bingham
Divisional State Vice President	B. Oliver

BUILDING UNIONS VIC DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners	**Builders Labourers**	**Painters**
R. Williams	T. Sinclair	M. Baird
R. Carter	R. Ryan	M. Garcia
G. Lavery	J. Nicol	K. B. Hughes
D. Van Dam	P. Lennon	P. Boyle
M. Santana	M. Bingham	M. Evans
W. Torpey	M. Ratel	
D. Noonan		
B. Giagnacovo		

Tilelayer	**Stonemason**
Z. Prazac	M. Newham

BUILDING UNIONS VIC DIVISIONAL BRANCH COUNCIL

Carpenters & Joiners	**Builders Labourers**
V. Nicoli	T. Bockting
K. Green	G. Young
D. Black	G. Miles
A. Moore	D. Noonan
W. Oliver	K. Hughes
H. Kotsabis	J. Bruce
D. Jacobson	J. McPartlin
G. Preddy	C. Leatham
D. Shacklock	

Stonemasons	**Tilelayers**
A. Patience	O. Kypta
G. Slack	Z. Prazak

Zone Delegates

Ballarat	Bendigo
V. Broes	T. Coleman

L. Brown
N. Davidson

N. Pyle
L. Worme

Brunswick
M. Kingham
W. McConnel
F. Stradijot

Camberwell
J. Baysinger
R. Bentley
S. Mitchell

Clifton Hill
F. Amarante
R. Collins
S. West

Essendon
D. Deprisco
T. Hancy
V. Raffa

Footscray
P. Leckie
F. Lopez
R. Storey

Geelong
J. Cody
J. O'Mara
B. Roche

Goulburn Valley
C. Craig
A. Kerris
P. O'Flaherty

Latrobe Valley
V. Beaton
M. Smith
A. Nabulsi

Melbourne
R. Carter
M. Santana
G. Tsotsos

Mordialloc
G. Burleigh
I. Nichol
P. Sullivan

Murray Valley
L. Fahey
S. Masterson
J. Salinger

Oakleigh
L. Bacolas
J. Medlyn
B. Smith

Preston
M. Collingburn
R. Lucas
N. Porter

Prahran
B. Giagnacovo
A. Medina
S. Delaney

Richmond
D. Blake
C. Commons
R. Hakainsson

South Western
K. O'Connor
A. Sargent
G. Sullivan

Sunraysia
A. Boldock
D. Costa
M. Dawes

Wimmera
R. Nesibit
G. Scott
A. Patterson

BUILDING UNIONS VIC DIVISIONAL BRANCH TRUSTEES

M. Kingham
B. Oliver
Vacant

M. Bingham
F. O'Grady
M. Baird

BUILDING UNIONS VIC DIVISIONAL BRANCH ORGANISERS

R. Welsh
T. Sinclair
R. Storey
W. Bingham
A. Medina
D. Jacobson
D. Noonan
P. Muldeary
H. Kotsabis
R. Carter
T. O'Kane
D. Riddell
G. Young
M. Kingham
M. Garcia

BUILDING UNIONS VIC DIVISIONAL BRANCH DELEGATES DIVISIONAL CONFERENCE

F. O'Grady
M. Kingham
V. Raffa
R. Williams
J. Saddington
M. Bingham

BUILDING UNIONS SA DIVISIONAL BRANCH

Divisional State President	A. Johnson
Divisional State Secretary	B. Carslake
Divisional State Vice President	G. Millar
Divisional State Vice President	D. Stapleton
Divisional State Assistant Secretary/Treasurer	T. Carroll
Divisional State Assistant Secretary/Treasurer	J. McGirr

BUILDING UNIONS SA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

BWIU	PLASTERERS	PAINTERS
F. Gosden	G. Parrish	George Tilley
T. Karrandjis	R. Watson	Greg Tilley
C. Morton	R. Bennett	Lambden
D. Sellmann	A. Spano	Weir
T. Middleton	S. Kesisoglou	McEwan
		Evans

BUILDING UNIONS SA DIVISIONAL BRANCH ORGANISERS

M. Gnatenko
H. Koemecker
M. Bella

BUILDING UNIONS SA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Carslake

BUILDING UNIONS ACT DIVISIONAL BRANCH

Divisional State President	R. Driver
Divisional State Secretary	G. Wason
Joint Divisional State Assistant Secretary	S. Hambesis

Joint Divisional State Assistant Secretary	T. Zeltner
Divisional State Vice President	K. Lundy
Divisional State Vice President	J. McHugh

BUILDING UNIONS ACT DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Pyner	J. Grey Reitz
A. Dillon	D. Rail
J. Long	G. Roderick
T. Lagoya	L. Lancsar
J. Diamante	B. Larke
G. McGowan-Lay	G. Cleghorn
P. Johnstone	P. Trapani

BUILDING UNIONS ACT DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

D. Thompson	G. Kirkwood
B. Norman	G. Frasin
C. Kaskoutas	W. Thompson
M. Morgan	J. Clyde
T. Gooden	R. Hemsley

BUILDING UNIONS ACT DIVISIONAL BRANCH TRUSTEES

G. Wason	R. Driver
S. Hambesis	K. Lundy
G. McGowan-Lay	

BUILDING UNIONS ACT DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

G. Wason

ATAIU DIVISIONAL BRANCH OFFICE HOLDERS

ATAIU DIVISIONAL OFFICERS

Divisional President	G. Hillier
Divisional Secretary	T. Smith
Divisional Assistant Secretary	C. Northover
Divisional Senior Vice President	S. Murphy
Joint Divisional Vice President	P. Illidge
Joint Divisional Vice President	B. King

ATAIU DIVISIONAL TRUSTEES

J. Tuckwell	Q. Cook
V. Stargatt	

Who form the Divisional Executive, and who with the following form the Divisional Conference

A. Roberg (SA)
C. Butler (TAS)
J. Gallogley (NSW)
M. Schuppan (NSW)
J. Beeson (VIC)
E. Swainston (VIC)
A. Dunlop (Pulp & Paper)
M. St Clair (SA)
B. Anderson (NSW)
J. Quartermaine (NSW)
B. Campbell (NSW)
B. Murpy (VIC)
M. Graham (Pulp & Paper)

ATAIU SA DIVISIONAL BRANCH

ATAIU SA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Young
Divisional Branch Secretary	Q. Cook
Divisional Branch Vice Presidents	M. St Clair
	A. Roberg

ATAIU SA DIVISIONAL BRANCH TRUSTEES

E. Cathro
J. Nicks
P. Martinella

Who form the Executive.

ATAIU SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

L. Barry
L. Kilsby
G. Schultz
B. Lockwood
T. Goodrich
F. Beimans
L. Pelkonen

ATAIU SA DIVISIONAL COUNCIL DELEGATES

M. St Clair
T. Smith
A. Young
Q. Cook

ATAIU NSW DIVISIONAL BRANCH

ATAIU NSW DIVISIONAL BRANCH OFFICERS

Divisional President	B. Anderson
Divisional Secretary	G. Hillier
Divisional Assistant Secretary	J. Tuckwell
Divisional Vice Presidents	G. Sacco
	J. Gallogley

ATAIU NSW DIVISIONAL BRANCH TRUSTEES

S. McDonald
B. Campbell
M. Schuppan

Who are officers and form the Executive.

ATAIU NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

W. Englert
S. Hudson
W. Sentance
C. Brooks
K. Yelverton
J. Quartermain
C. McGowan

ATAIU NSW DIVISIONAL COUNCIL DELEGATES

G. Hillier
J. Gallogley
J. Quartermain
B. Campbell
B. Anderson
S. McDonald
K. Yvelton

ATAIU VIC DIVISIONAL BRANCH

ATAIU VIC DIVISIONAL OFFICERS

Divisional President	V. Stargatt
Divisional Secretary	B. King
Divisional Vice Presidents	V. Iluk
	E. Swainston

ATAIU VIC DIVISIONAL BRANCH TRUSTEES

J. Beeson
B. Murphy
T. Carley

ATAIU VIC DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

J. Browne
P. Love
T. Stinton
S. Wilson
B. Harms
R. Owens
C. Walkear
P. Tait

ATAIU VIC DIVISIONAL COUNCIL DELEGATES

V. Stargatt
J. Beeson
B. Murphy
M. Lynch
E. Swainston

ATAIU TAS DIVISIONAL BRANCH

ATAIU TAS DIVISIONAL BRANCH OFFICERS

Divisional President	C. Butler
Divisional Secretary	S. Murphy
Divisional Vice Presidents	R. Ford
	D. Turriff

ATAIU TAS DIVISIONAL BRANCH TRUSTEES

C. Butler
R. Smith
S. Cahoon

ATAIU TAS DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

M. Barber
R. Foster
D. Harkes
B. Riley
S. Cahoon
R. French
N. Lincoln
R. Smith

ATAIU TAS DIVISIONAL COUNCIL DELEGATES

C. Butler
S. Murphy

ATAIU WA DIVISIONAL BRANCH

ATAIU WA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Cook
Divisional Branch Secretary	A. A'Vard
Divisional Branch Vice President	D. Murie
Divisional Branch Treasurer	R. Taylor

ATAIU WA DIVISIONAL BRANCH TRUSTEES

P. McCarthy
R. Henry
K. Smith

ATAIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

R. J. Smith
R. Reiter
V. McGlinn
G. P. Jaeschke
W. J. Hall
C. Hagelund
K. Cameron
J. Savage
M. Bennett

ATAIU NO. 7 DIVISIONAL BRANCH

ATAIU NO. 7 DIVISIONAL BRANCH OFFICERS

Divisional Branch President	P. Illidge
Divisional Branch Secretary/Treasurer	C. Northover
Divisional Branch Assistant Secretary/Treasurer	M. Graham
Divisional Vice Presidents	A. Dunlop
	R. Johnson

ATAIU NO. 7 DIVISIONAL BRANCH TRUSTEES

C. Northover
M. Graham

ATAIU NO. 7 DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

D. Garlick
T. Mackerell
N. Anderson
N. Allen
M. Donoghue
J. Wright
G. Aston
G. Morley
C. Glaubitz
D. McKay
P. Graham
T. Kelly

W. Hardy	G. Lincoln
G. Draper	T. Dwyer

ATAIU NO. 7 DIVISIONAL COUNCIL DELEGATES

C. Northover	M. Graham
P. Illidge	

ATAIU NOWRA SUB-BRANCH

President	Peter Graham
Senior Vice President	Harry Knowles
Junior Vice President	Tim Cato
Secretary-Treasurer	Mervyn Donoghue
Committee of Management	Rhonda Shelley
	Jim Evans
	Ray Clarke
	Alan Whitton
Delegate to No. 7 Branch	
Committee of Management	Mervyn Donoghue
	Peter Graham

ATAIU BURNIE SUB-BRANCH

President	George Draper
Senior Vice President	Barry Connors
Junior Vice President	Eric Edwards
Secretary-Treasurer	Geoffrey Lincoln
Committee of Management	
Alan Claridge	Graham Wells
Anthony Johnson	Andrew Crawn
Jack Wylie	Russell Norton
Danny Rowlands	Richard Troughton
Noel Stubbs	Rex Berry
Delegate to No. 7 Branch	
Committee of Management	Geoffrey Lincoln
	George Draper

ATAIU PORT HUON SUB-BRANCH

President	Barry Young
Senior Vice President	Colin McMullin
Junior Vice President	Jeff Parsons
Secretary-Treasurer	Wayne Hardy
Committee of Management	
Neville Burgess	Graeme Goaman
David Greatbatch	Ricky Cowen
Delegate to No. 7 Branch	
Committee of Management	Wayne Hardy

ATAIU MYRTLEFORD SUB-BRANCH

President	Vacant
Senior Vice President	Bruce Dale
Junior Vice President	Paul Ryan
Secretary-Treasurer	Trevor Dwyer
Committee of Management	Oliver Evans
	Colin Richardson
	Trevor Davis
	Robert Arnold
	Christopher Stone
Delegate to No. 7 Branch Committee of Management	Trevor Dwyer

ATAIU MARYVALE SUB-BRANCH

President	Neville Anderson
Senior Vice Persident	Charles Glaubitz
Junior Vice President	Cidge Fabris
Secretary/Treasurer	Graeme Morley
Committee of Management	
Steven Gilham	Robert Brown
Vernon Jones	Charles Stuart
Geoffrey Dorling	Brian McNamara
Peter Morris	Steven Mason
Wayne Snell	Vincent Nabel
Delegates to No. 7 Branch Committee of Management	Neville Anderson
	Charles Glaubitz
	Graeme Morley
Delegates Gippsland Trades & Labour Council	Graeme Morley
	Vernon Jones
	Brian McNamara
	Robert Brown

ATAIU SYDNEY SUB-BRANCH

President	Donald McKay
Senior Vice Pesident	Ron McElhinney
Junior Vice President	Edward Pram
Secretary-Treasurer	Philip Illidge
Committee of Management	
William Daly	Les Smith
William Flowers	Anthony De Bono
Harry Marshall	Wayne Trewella
Mark Skennerton	Joseph Bodor
Delegates to No. 7 Branch Committee of Management	Philip Illidge
	Donald McKay

ATAIU BROADFORD SUB-BRANCH

President	Vacant
Senior Vice President	Vacant
Junior Vice President	Vacant
Secretary-Treasurer	Len Allen
Committee of Management	Garry Nesbitt
	Terry Hobson
	Alan Cole
	Craig Waters
Delegate to No. 7 Branch Committee of Management	Len Allen

ATAIU MILLICENT SUB-BRANCH

President	John Wright
Senior Vice Pesident	Trevor Kelly
Junior Vice President	Richard Watts
Secretary-Treasurer	Robert Johnston
Committee of Management	Michael King
	Graeme Richards
	Mavis Kloock
	Graeme Richardson
	Gilbert Mouat
	Helen Walker
Delegates to No. 7 Branch Committee of Management	John Wright
	Trevor Kelly
	Robert Johnston

ATAIU MELBOURNE SUB-BRANCH

President	David Garlick
Senior Vice President	George Ashton
Junior Vice President	Vacant
Secretary-Treasurer	Alexander Dunlop

Committee of Management

William Horton	Stan Mazur
Terry Mackerell	Steve Morris
Tom Donelly	Ian James
Alex Miller	Michael Adamopolous

Delegates to No. 7 Branch Committee of Management	Alexander Dunlop
	David Garlick
	George Aston

Delegates to Victorian Trades Hall Council	Alexander Dunlop William Horton Terry Mackerell Malcolm Graham

UMW DIVISION

In accordance with Rule 42 - Transitional Provisions of the Rules of the Union being the National Rules the officers of the previously existing Mining Division immediately prior to the date of effect of the amalgamation shall be, on and from the date of effect of amalgamation the officers of the UMW Division which is the new name for the previous Mining Division and the only change therein shall be, to the extent necessary, the change in the title of office to reflect the change in the name of the Division from Mining Division to UMW Division.

FEDFA DIVISION

DIVISIONAL OFFICERS

Divisional President	M. McDonald
Divisional Secretary	V. Fitzgerald
Divisional Assistant Secretary	T. Maher

FEDFA DIVISIONAL EXECUTIVE

The Divisional Officers of FEDFA Division as set out above, and

I. Peel	New South Wales
J. Van Camp	Victoria
G. Betts	Queensland
G. Day	South Australia
B. O'Neil	Barrier
M. Grey	Tasmania
D. McIntyre	Western Australia

FEDFA DIVISIONAL CONFERENCE

The Divisional Officers of FEDFA Division and the Divisional Executive as set out above, and the following delegates from FEDFA Divisional Branches:

T. Maher	(NSW)
P. Jordan	(NSW)
B. Neilson	(VIC)
M. Hill	(VIC)
D. Holloway	(QLD)
G. Purtill	(QLD)
L. Wilson	(QLD)
B. Samson	(Barrier)
M. Buckley	(SA)
B. Low	(WA)
R. Harrison	(TAS)

FEDFA NSW DIVISIONAL BRANCH

Divisional Branch President	M. Smith
Divisional Branch Secretary	I. Peel
Divisional Branch Assistant Secretary	S. Gartrell

FEDFA NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above,

FEDFA NSW DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and regional delegates and organisers stated below,

Metropolitan
P. Wormleaton
R. Johnson
B. Francis
D. Whitehead
D. Dunn

Northern Region
N. Rose
M. Sealby
G. Webb
D. Owens
J. Nixon

Southern Region
K. Anderson
B. Barnham
G. Freeman
T. Potter

Western Area
R. Fuller
W. Williams

FEDFA NSW DIVISIONAL BRANCH ORGANISERS

Metropolitian
G. Avouris
T. Grant
S. Cochran

Northern
M. Beehag
S. Harding
L. Sinclair

Riverina
S. King
J. Wilson

Western
G. Childs

Southern
H. Miller

Mining
P. Jordan

Energy
A. Drew

FEDFA NSW DIVISIONAL BRANCH TRUSTEES

D. Dunn
L. Robinson
J. Owens

FEDFA NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

V. Fitzgerald

T. Maher
P. Jordan
I. Peel

FEDFA VICTORIAN DIVISIONAL BRANCH

Divisional Branch President	M. McDonald
Divisional Branch Secretary	J. Van Camp
Divisional Branch Assistant Secretary	M. Greenbury
Divisional Branch Vice President	M. Hill

FEDFA VICTORIAN DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

M. French
D. McDonald
D. Baker
J. Kadziela
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional Officers as set out above, and -

SECV Yallourn
P. Wilson

SECV Morwell
G. Reid

SECV LaTrobe
(vacant)

Country Provisional
W. Fleet
M. French
T. McKenzie
P. Skinner

Metropolitian
D. Baker
J. Kadziela

Organisers Rep.
A. Riley
M. Hallett
D. McDonald
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH ORGANISERS

W. Fleet
M. French
R. Hallett
M. Hill
A. Riley

TRUSTEES

M. McDonald
J. Van Camp

FEDFA VICTORIAN DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

J. Van Camp
M. McDonald
M. Hill
B. Nielson

FEDFA BARRIER DIVISIONAL BRANCH

Divisional Branch President	B. Samson
Divisional Branch Secretary	W. O'Neil
Divisional Branch Vice President	R. Hunter

FEDFA BARRIER DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above,

FEDFA BARRIER DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

D. Brennan	R. Adams
A. Fraser	B. Sayers
E. Snaith	

FEDFA BARRIER DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. O'Neil	B. Samson

TRUSTEES

R. Adams	B. Sayer
E. Snaith	

FEDFA TASMANIAN DIVISIONAL BRANCH

Divisional Branch President	B. Bishop
Divisional Branch Secretary	M. Grey

FEDFA TASMANIAN DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and - D. Dawson

FEDFA TASMANIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

Launceston	**Hobart**
D. Dawson	M. Hyland
Devonport	**Tullah**
(vacant)	T. Jones
Burnie	**Savage River**
L. Britton	R. Harrison
Rosebery/Lyell	**Organisers**
N. Hartnell	D. Moncrieff
	B. Best

FEDFA TASMANIAN DIVISONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

M. Grey R. Harrison

FEDFA WA DIVISONAL BRANCH

Divisional Branch President (vacant)
Divisional Branch Secretary (vacant)

FEDFA WA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

FEDFA WA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

P. Bates I. Douglas
T. Feeney D. Hellyer

FEDFA WA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

B. Low
(vacant)

FEDFA SA DIVISIONAL BRANCH

Divisional Branch President G. Bull
Divisional Branch Secretary G. Day
Divisional Branch Vice President F. Stonys

FEDFA SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Rogers R. Brewer

FEDFA SA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

J. Rodgers K. Maywald
F. Grosso F. Harrison
R. Brewer

ORGANISER

R. Brewer

FEDFA SA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

G. Day
M. Buckley

FEDFA QUEENSLAND DIVISONAL BRANCH

Divisional Branch President	D. Holloway
Divisional Branch Secretary	G. Betts
Divisional Branch Assistant Secretary	G. Wilson

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

S. Douglas	B. Scheuber
C. Swift	R. Coleman
L. Wilson	J. Spencer

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch State Management Committee as set out above, and -

M. Dowvendans	T. Quaid
L. Genrich	N. Rampton
R. Beattie	H. Heumiller
J. Rossington	C. Price
(vacant)	

FEDFA QUEENSLAND DIVISIONAL BRANCH ORGANISERS

D. Bloxsom	H. Heumiller
G. Flack	C. Price
C. Gillespie	T. Rosier
J. Rossington	B. Stacker
R. Tremlin	

FEDFA QUEENSLAND DIVISIONAL BRANCH TRUSTEES

D. Holloway	S. Douglas
G. Betts	L. Wilson

FFTS UNION DIVISION

DIVISIONAL OFFICERS

Divisional President	A. Findlay
Divisional Secretary	L. Kyriacou
Divisional Assistant Secretary	M. Haritou
Divisional Senior Vice-President	S. Wales
Divisional Junior Vice-President	D. Frater

FFTS UNION DIVISIONAL EXECUTIVE

The Divisional Officers of the FFTS Union Division as set out above, and

A. Smith	New South Wales
V. Robinson	Queensland

FFTS UNION DIVISIONAL CONFERENCE

The Divisional Officers of the FFTS Union Division and the Divisional Executive as set out above, and the following delegates from the FFTS Union Divisional Branches;

W. Brown (VIC)
M. Findlay (VIC)
R. Smith (NSW)
R. Groat (SA)
A. Cookson (QLD)
R. Orange (TAS)

FFTS UNION VIC. DIVISIONAL BRANCH

Divisional Branch President	M. Mitten
Divisional Branch Secretary	L. Kyriacou
Divisional Branch Assistant Secretary	A. Findlay
Divisional Branch Senior Vice-President	W. Brown
Divisional Branch Junior Vice-President	C. Avent
Divisional Branch Organiser	M. Haritou
Divisional Branch Organiser	R. Shugg

FFTS UNION VIC. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch Officers as set out above and -

A. Frazer	N. Hazeldine
G. Lee	P. Linzos
J. Maines	J. O'Brien
J. Patti	J. Robins
I. Whitcroft	L. Zanandrea
J. Calvert	

FFTS UNION NSW DIVISIONAL BRANCH

Divisional Branch President	R. Smith
Divisional Branch Secretary	S. Wales
Divisional Branch Assistant Secretary	R. Smith
Divisional Branch Vice-President	J. Callaway
Divisional Branch Organiser	Jack Lawrence

FFTS UNION NSW DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

J. Campbell	R. Davies
K. Campbell	W. Kraan
Robert Cumbo (Trustee)	Harry Irvine (Trustee)

FFTS UNION S.A. DIVISIONAL BRANCH

Divisional Branch President	R. Groat
Divisional Branch Secretary	D. Frater
Divisional Branch Assistant Secretary	S. Rowe
Divisional Branch Senior Vice-President	J. Emery

Divisional Branch Junior Vice-President	A. Reeves
Divisional Branch Organiser	S. Rowe
Divisional Branch Organiser	P. Wong
Divisional Branch Organiser	T. Woods

FFTS UNION S.A. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

B. Billington	M. Brownlie
P. Crisanti	A. Czora
A. Howlett	J. Salter
G. Whitford	

FFTS UNION QLD DIVISIONAL BRANCH

Divisional Branch President	G. William
Divisional Branch Secretary	V. Robinson
Divisional Branch Vice-President	A. Amos
Divisional Branch Assistant Secretary	A. Cookson

FFTS UNION QLD. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and - G. Dawson

FFTS UNION TAS DIVISIONAL BRANCH

Divisional Branch President	S. Negus
Divisional Branch Secretary	J. Gill
Divisional Branch Assistant Secretary	R. Orange
Divisional Branch Vice-President	C. Schoenwald
Additional Divisional Branch Executive member	W. Picken
Additional Divisional Branch Executive member	P. Green

FFTS UNION TAS DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

C. Sproule
W. Bandlow

END OF RULES

[105N-FED: incorporates alterations of 3/8/04 in matter R2004/379]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 91 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

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1 - NAME

The name of the Union shall be the "Construction, Forestry, Mining and Energy Union".

2 - CONSTITUTION

(A)(A)The Union shall consist of an unlimited number of persons whether male or female

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in

paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;
(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union shall consist of an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

(l) persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connexion with the production or preparation of manufactured goods, plant, machinery, equipment, packages or containers for sale or purposes of distribution.

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker

Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due

south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the:

(i) The Union shall also consist of all persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) The Union shall also consist of an unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board,strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) The Union shall also consist of such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby the Union shall also consist of an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members.

(E) Without limiting the generality of the foregoing and without being limited thereby the Union shall consist of:-

(a) An unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river, and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Union or a branch of the Union or whilst financial members of the Union are elected as representatives of any working-class organisation to which the Union or a branch thereof is affiliated, or as a working-class member of Parliament.

Provided that mobile crane drivers, operators of fork lifts and/or tow motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

(b) Further, provided that, without limiting the generality of the foregoing the Union shall also consist of the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connexion with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and

employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, the Union shall consist of employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the Union shall consist of an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation

and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work

Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler,

generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery

and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

4 - OBJECTS

1. To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial and social legislation.

2. To regulate the conditions under which all members, of the Union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or association, or association of Trades Unions or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Branches, Divisions, Divisional Branches, Sub-Branches, Districts or Sections of the Union throughout the Commonwealth of Australia.

7. To further any scheme that has for its object the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labour and Trade Union newspapers and wireless broadcasting and television stations, and to invest in shares in such newspapers and radio and television stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide labour or Trade Union Organisation or Association.

10. To establish and manage a Union Journal or Journals.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

14. To render legal and other assistance to members for the recovery of wages or compensation for injuries, to protect the interests of the trade in all its Branches, and to assist other trades by any legal method.

15. To obtain such other objects as the National Conference or National Executive shall from time to time determine.

16. To organise the education of members.

17. To establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Divisional or Divisional Branches.

18. The advancement of members intellectually, morally and socially and to do all things which, in the opinion of the Union, is in the interest of members including donations to political parties, the achievement of compulsory unionism, preference in employment, retrenchment, promotion, demotion and transfer in employment, the production and distribution of newspapers, journals and the like.

19. To achieve such other objects as may be lawfully adopted by any Division of the Union.

20. To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

"UNION" shall mean this Union and shall include all its Divisions, Branches, Divisional Branches and/or any other section or part of the Union.

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"PROPORTIONAL REPRESENTATION" shall mean a system of representation at Committees, Conferences, Executives or the like which, as far as practicable, will provide for voting on a basis which

reflects the number or percentage of financial members, as calculated in accordance with these rules, that each person on such Committee, Conference, Executive or the like, represents.

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast then that candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then that candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the vote preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Mining and Energy Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Workplace Relations Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

(ii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Rules of the Union may require, and shall, when requested, fill in and sign such application form as may be provided.

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v)(a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of

application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

(vii) A member shall, when applying for membership be informed of the financial obligations arising from membership and the circumstances, and the manner, in which a member may resign from the organisation and shall be informed of such in writing.

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be

reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

(ii) Any member who has failed to pay the entrance fees, or contributions, levies and fines imposed in accordance with the rules of the union on or before the date specified in such rules, shall be deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant for admission or exercise any authority or any membership rights, provided that the rules may provide that some members or some class or classes of members may vote in a ballot and/or may differentiate between classes of members as to the amount of any contribution and/or entrance fee.

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.202 of the

Industrial Relations Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

(i) A member desiring to transfer to any other union covering their calling shall make application to the Divisional Branch Secretary, or where the rules of the union so provide, Divisional Sub-Branch, in writing, and shall pay all dues owing to the union, and the transfer will be forwarded to the Secretary of the union to which the member desires to transfer. Such member shall cease to be a member of this Union as from the date on which the transfer is forwarded to the Secretary of such other union.

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

(iii) A clearance shall not be granted to any member unless all moneys owing have first been paid.

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

A register of members and any other records of the Union required to be kept by the Industrial Relations Act and the Regulations made thereunder shall be kept at the registered office of the Union and so far as such records relate to a Division or Divisional Branch at the registered office of that Division or Divisional Branch.

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from

amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.
Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one

calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telegram or telex.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, telephonic, telegraphic, telex, verbal and/or written vote (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) The National Executive Committee shall consist of the National Principal Officers, being the National Secretary of the CFMEU, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Forestry, Furnishing, Building Products and Manufacturing Division, the General President of the Mining and Energy Division; together with the fulltime elected Officers of each Division who are fulltime at the National level and are not already one of the aforementioned National Principal Officers; two (2) Divisional Assistant Secretaries of the Forestry, Furnishing, Building Products and Manufacturing Division, one of whom shall be the Principal Officer of the Pulp and Paper Industry Sector and the other of whom shall be the Principal Officer of the Furnishing Industry Sector; and the Divisional President, and two (2) Divisional Assistant Secretaries of the Construction and General Division if not otherwise included.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive and National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six (6). A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a telegraphic, telex, facsimile, telephonic, email, written and/or postal vote of members of the National Executive or National Executive Committee at any time. Members of the National Executive or National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or telegram or telex or facsimile or email or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or email.

15 - NATIONAL EXECUTIVE

(i) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

(ii) The National officers shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

(iv) The National Executive shall, unless its actions are overturned by the National Conference, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds and property of the Union and shall have and may exercise no more and no less than all of the powers of the National Conference and, without limiting the generality of the foregoing may:

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Industrial Relations Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the

National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

* in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

16 - ELECTION OF NATIONAL OFFICERS

(i) The National Secretary, National Assistant Secretary and National President shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, for Divisions with more than one Divisional Branch, each Division shall be represented by at least one Officer.

Further provided that, for Division with more than one Divisional Branch, each Division shall hold at least one position of Joint Vice President as follows:

* Joint Vice President (Construction and General Division)
* Joint Vice President (FFPD Division)
* Joint Vice President (Mining & Energy Division)

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions by resolution from that Division's National Conference.

Further provided that there shall be a Principal Officer of the FFPD Division representing the former FFTS Division who shall be a National Senior Vice-President. Such officer shall be and remain a member of the National Executive and the National Executive Committee.

Further provided that the Construction & General Division Senior Vice-President (Builders Labourers) shall be a National Senior Vice-President and shall be and remain a member of the National Executive and National Executive Committee.

Further provided that the Construction & General Division Senior Vice-President (former National Secretary of the OPDU) shall be a National Senior Vice-President and shall be and remain a member of the National Executive and National Executive Committee.

All full-time officers of each Division, not otherwise elected to any of the foregoing positions, shall be and remain members of the National Executive Committee.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by post, letter, telegram, telephone, telex, facsimile and/or verbally as soon as the count is completed.

(ix) Provision to be made for the representatives of Divisions to cast votes proportionate to the membership of the respective Division in any ballot for the election of National Officers.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(ii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iii) Except in the case of the Mining & Energy Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) That nominations are called in accordance with the rules of the Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) That the nominations process, closure and receiving of, are in accordance with the rules of the Division.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) Officers of all Divisional Branches holding such office at the date of amalgamation shall remain in office until the general election of officers held in 1996 and shall be eligible to nominate in that election. In this paragraph officers of all Divisional Branches shall mean officers of branches of the amalgamating unions being the persons listed in the schedule hereto.

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall, in accordance with the Rules of the Division, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only:-

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) The candidate's statement provided for in accordance with sub-rule (h) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail all ballot papers, in accordance with the Rules of the Division.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed closed in accordance with the rules of the Division.

(r) That the opening and closing of the ballot shall be in accordance with the rules of the Division.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

"Preferential Voting" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter gives as their first preference, and shall place the number 2, 3, 4 (and so on as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the preference for them. In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate. If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference. If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preference shall be the same as is above prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except Mining and Energy Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(ii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iii) The Divisional Officers at a national level shall be members of that Divisional Executive.

(iv) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

Any Officer may be removed from office by majority decision of the National Executive, provided that such officer shall not be dismissed from office unless found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

Any officer so removed from office shall have the right of appeal to the National Conference. In the event of the appeal being upheld the National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

National Executive shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial

membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS

1. The following sets out the duties of the National Officers outlined herein. The National Secretary shall be a full time position. The wages and costs relating to the office of the full time officer shall be borne by the Union.

2. National President:

   The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

   The National President shall have a deliberative vote only.

   The National President shall perform all duties assigned to him/her by the National Conference or National Executive and shall be responsible with the National Secretary for the allocation of duties and responsibilities arising from decisions of the National Conference or the National Executive.

3. National Secretary:

   The National Secretary shall be responsible for the general correspondence of the Union, National finance, filing of documents, industrial returns and the carrying out of decisions made by National Conference or National Executive.

   The National Secretary shall have the power, subject to decisions of the National Executive and/or National Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the National Office and allocate duties and responsibilities within the National Office.

   The National Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the National Office, together with a statement of the assets and liabilities of the National Office for the year ending 31st December in each year.

   Such financial statement shall be presented to the National Executive for its approval and be published within the journal of the National Union.

   The National Secretary shall carry out such other functions as shall be determined from time to time by the National Conference or National Executive.

   The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretary:

   National Assistant Secretary shall perform all duties assigned to him/her by National Conference and National Executive. He/She shall attend all meetings of National Conference and National Executive.

5. Senior Vice-President:

   The Senior Vice-President shall assist the National President in the conduct of meetings and shall preside in the absence of the National President, and shall carry out such other duties as shall be determined from time to time by the National Conference or the National Executive.

6. Vice-President/s:

   The Vice-Presidents shall assist the National President/s or Senior Vice-President/s in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

   They shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

7. Members of National Executive and Delegates to National Conference:

   Members of National Executive and delegates to National Conference shall attend meetings of those bodies when summoned so to do.

8. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

Provided that each Division/Divisional Branch is responsible to meet all costs associated with the operation of its Division/Divisional Branch, including all costs associated with the attendance and participation by their representatives at meetings, including National Conference, National Executive Committee unless decided otherwise by the National Executive Committee.

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. No funds shall be drawn from the Bank or financial institution except by cheque signed by two persons who are a National Secretary, National Assistant Secretary, National President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President or National Assistant Secretary. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

The Auditor shall, in the report, draw attention of the National Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Union.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the National Secretary of a petition, signed by not less than 5% of the members of the Union, requesting that a general meeting of members of the Union be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the National Office, the National Secretary shall convene such meeting as soon as is practicable.

25 - ALTERATION OF RULES

(a) The rules of the Union, or any of them, may be altered, rescinded, varied or made by the National Conference and/or National Executive. Proposals for alterations of rules may be forwarded by Divisions, Branches or any member of the National Executive or delegate to the National Conference and shall be forwarded to members and/or delegates with the notice calling the National Conference or National Executive, as the case may be, or so soon thereafter as is practicable. Provided that National Conference or National Executive may, in session, alter rules of which previous notice has not been given.

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telegraphic, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Industrial Relations Act (Commonwealth) or the regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the Industrial Relations Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

These National Rules and all the rules of the Union, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisions, Branches, and Divisional Branches and all sections of the Union and on all members who now, or who may hereafter, belong to the Union until they are made or become null and void according to the law.

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each division shall have autonomy in relation to its funds and property.

(iv) Each Division shall have rules and have power to make, alter or rescind such rules, to be called Divisional Rules. Without limiting the generality of the foregoing paragraph, each Division shall have power to determine policy for that Division, not inconsistent with the rules and policy of the Union as decided by National Conference or National Executive.

(v) If there is any environmental matter that directly affects the employment of members of one Division only, then that Division whose members are so affected shall have the power to determine the policy of the Union on that matter.

(vi) Divisions shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland, New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.202 of the Industrial Relations Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of state unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or National Assistant Secretary or any person authorised by a National Secretary or National President or National Assistant Secretary so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary or any person authorised by a Divisional Secretary or Divisional Assistant Secretary may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, Divisional Secretary or Divisional Assistant Secretary, or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests issued by a Divisional Secretary or Divisional Assistant Secretary or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National Assistant Secretary, National President, Divisional Secretary and/or Divisional Assistant Secretary shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 361 Kent Street, Sydney in the State of New South Wales, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

Where a Division ceases to exist and the Union continues, the property of that defunct Division shall be vested in the Division to which the members of the defunct Division are allocated.

Where the Union is dissolved the property of the Union shall be vested in the trustees of each existing Division at the time of dissolution for the benefit of the members thereof on the basis that each such Division will continue to hold its own property and funds and any property or funds not vested at the time of dissolution in a Division shall be divided between the existing Divisions on a basis proportionate to the membership of each such Division.

35 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members may be sued for in the name of the Union by the National Secretary or by the Divisional Secretary, or Divisional Branch Secretary to which the member is attached, or by any other person or body authorised by the rules of the Union including the rules of any Divisional Branch or the Rules of any Division.

36 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy shall be decided by a majority of the National Conference or National Executive and shall not exceed $50.00 and when so decided shall be binding on all members or sections of members as National Conference or National Executive may decide.

(iii) A Division or Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

(a) If the National Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a rule, to a vote of National Conference or National Executive at any time when it is inconvenient to call National Executive or National Conference together, the National Secretary may submit a resolution dealing with the matter to the delegates or

members, by letter, facsimile, telegram, telephone, email, in writing, by computer link and/or by any other means of communication.

(b) A copy of such resolution shall, as soon as practicable thereafter, be sent to each Branch Secretary and each Divisional Secretary. The votes on such resolution shall be returnable to the National Secretary at such time as the National Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.

(c) Provided that where no record can be kept of the vote and/or decision, such a record shall be created and a copy of that record sent to each person entitled to vote or, in the case of computer linkages, the record is such that it can be viewed and/or copied by the person entitled to vote.

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

1. All motions shall be of an affirmative character and must be moved and seconded by delegates or members. Such motions become the property of Conference or Executive and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates or members present agree to an extension of time.

2. Unless a delegate or member rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

3. A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

4. A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

5. Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

6. All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chairperson's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

7. A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates or members present agree to an extension of time.

8. Right of Speaker: Any delegate desiring to speak shall rise and address the chairperson. If two or more delegates or members rise at the same time the chairperson shall call upon the one who, in the Chairperson's opinion, first rose. Provided that no delegates or members can speak more than once upon any question (which shall include the original motion and all amendments thereto) before Conference or Executive, except -

   (a) In reply as the mover of the original motion.
   (b) In explanation or correction of some matter during the debate.
   (c) Upon a point of order raised during the debate.
   (d) Upon a resolution being carried "that the delegate now be heard".

9. A delegate or member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by that delegate or member.

10. No more than two delegates or members shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

11. Any delegate or member speaking shall at once resume their seat -

   (a) If the chairperson rises to speak; or
   (b) If a point of order is raised.

   and shall not resume their speech until the point of order is decided.

12. No delegate or member may speak to any question after it has been put by the chairman or during the taking of the vote.

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of Conference.

CHAIRPERSON'S RULINGS

The chairperson's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by Conference or Executive. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the delegates or members present for Conference or Executive to suspend the order of business.

SITTING AS A COMMITTEE

Conference or Executive may at any time, by a resolution agreed to by a majority of delegates or members present, resolve itself into a committee of the whole. The rules governing the business of Conference or Executive shall be observed when in Committee.

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

The National Executive, the State Executive, a Divisional Executive or a Divisional Branch Management/Executive Committee may, in their absolute discretion, summon meetings of members over which they have authority and/or responsibility from time to time.

If such meeting is called notice shall be given in a union journal circulating in the area covering the members to which the meeting relates or in a mass circulation daily newspaper circulating in the area in which the meeting is to be held and such publication shall be issued at least fourteen days before the date of the meeting. The notice of such meeting shall specify the day, the date, the time and the place of such meeting.

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the Industrial Relations Act 1988, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, telex, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee, following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted

(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) deleted

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - Divisional Restructuring (FEDFA)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps which steps may deal with one Division at a time, Divisional Branches within a Division and/or the Divisional Office of any particular Division.

2. In relation to the above, the FEDFA Division shall be restructured in steps which shall involve:

(a) The abolition of full-time Divisional Officers at a national level and the allocation of responsibility for the FEDFA Division between the Building Unions Division and the UMW Division;

(b) The allocation of full-time Divisional Officers of the FEDFA Division to the Building Unions Division and the UMW Division;

(c) The continued operation of the Divisional Branches of the FEDFA Division with the intent, over time, of the restructuring of said Divisional Branches in accordance with Rule 42, into the Building Unions/Construction and General Division, UMW/Mining & Energy Division and the ATAIU/Forestry Division;

(d) The payment of capitation fees by FEDFA Divisional Branches to a designated fund which shall be administered by the Divisional Secretary of the FEDFA Division or, if or when that Office is abolished by the former Divisional Secretary and the Divisional Secretaries of the Building Unions and/or Construction and General Division and the UMW and/or Mining and Energy Division.

(e) The continued meeting of the Division Executive of the FEDFA Division for so long as is necessary before the complete restructuring of the FEDFA Division is effected in accordance with Rule 42.

3. On and from 27 September 1993, in accordance with the above procedure, the current Divisional Secretary of the FEDFA Division shall be and become the Divisional President of the Building Unions Division and the current Divisional Assistant Secretary of the FEDFA Division shall be and become a Divisional General Vice-President of the UMW Division and upon translation in accordance with Rule 42 (iii), shall hold the corresponding offices in the Construction and General Division and the Mining & Energy Division respectively.

4. The current Divisional Secretary and Divisional Assistant Secretary of the FEDFA Division shall continue to hold those positions in the FEDFA Division on an honorary basis until such time as the FEDFA Division no longer meets on a national basis.

5. This Rule shall come into force after its adoption by the National Executive and agreement thereto by the FEDFA Divisional Executive, UMW Divisional Executive and Building Unions Divisional Executive and thereupon shall be registered with the Australian Industrial Registry and shall take effect upon registration, or 27 September 1993, whichever is the later.

6. Further to the above provisions, and notwithstanding any other rule of the Union to the contrary, during the process of restructuring, any Divisional Branch of the FEDFA Division may reach agreement with any or all of the UMW Division/Mining & Energy Division and/or the Building

Unions Division/Construction and General Division and/or the Forestry Division or the relevant Divisional Branches thereof to transfer members and officers of the FEDFA Division to any and/or all of the other aforementioned Divisions. Such agreement shall be reached with the approval of the Management Committee or its equivalent in each Divisional Branch and the officers concerned. Any such Divisional Branch may reach agreement on some or all of the matters relating to such transfer and, failing agreement on any or all of such matters, refer the matters by agreement to the National Executive for decision. Until such time as there no longer exists an FEDFA Division in accordance with the Rules of the Union, all such officers transferred shall, notwithstanding the holding of positions in other Divisions, continue to hold the office or position in the FEDFA Division on an honorary basis and shall, to the extent that the Rules require same, continue to perform the functions associated with that office in relation to the FEDFA Division. All agreements in relation to the transfer of members and officers shall be notified to the National Executive Committee and attached to the Minutes thereof. Such agreements shall have force and effect in accordance with the terms thereof and from the date of effect of that agreement as specified in that agreement, or failing any specification thereof, on the date of the agreement.

7. The following table shows the restructuring of the FEDFA Division, merging with the appropriate Union Division to create Industry Divsions:

	(	merged with	)
STATE	CONSTRUCTION AND GENERAL	MINING AND ENERGY	FORESTRY
National Office	27 Sept 1993	27 Sept 1993	
Queensland	4 Feb 1994	1 Jan 1993	
New South Wales		Northern 2/4/93 Southern 1/7/93 Western 8/4/93 Energy 21/7/93	
Tasmania	31 July 1996	24 August 1996	1 Jan 1994
Sth Aust	1 Aug 1993	1 Aug 1993	
West Aust	1 Sept 1993	1 Sept 1993	
Victoria	1 Aug 2003	2 Jan 2001	
Barrier		1 July 1996	

42B - Merger with ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case

of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DIVISIONAL RESTRUCTURING (FFTS)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps, such steps may deal with one Division at a time and/or Divisional Branches within a restructured Division at a time.

2. In relation to the above, the FFTS Division shall on and from the 11th February 2002, be restructured in the first instance into the Forestry Division to form "The Forestry, Furnishing, Building Products and Manufacturing Division" (FFPD) which shall result in:

   (a) The abolition of full-time FFTS Divisional Officers at a national level and the allocation of responsibility for the FFTS Division to the restructured Division.

   (b) The allocation of Divisional/Branch Office Holders of the FFTS Division to the Office Holders positions of the restructured Division.

   (c) The continued operation of the Victorian and Queensland Divisional Branches of the FFTS Division within the restructured Division of up to four years beyond the expiration of the eight years referred to in sub-rule 42(xii). This sub-rule shall not otherwise affect the operation of sub-rule 42(xii). For the avoidance of doubt, the four years referred to in this sub-rule shall expire on 26 March 2005.

3. Further to the above provisions and notwithstanding any other rule of the Union to the contrary, the FFTS Victorian Branch shall unless otherwise agreed by the FFTS Victorian Branch Management Committee maintain its current structure and existence within the restructured Division up until 26 March 2005.

4. Prior to the 26 March 2005, the FFPD (which shall include representatives of the former FFTS Division) and the Construction & General Division (which shall include representatives from the National Office and all interested Branches) will meet under the chairpersonship of the National Secretary of the CFMEU to reach agreement to finalise translation/integration provisions intended by the respective Schemes of Amalgamation and the Rules of the Union in respect to the Forestry, FFTS and C&G Divisions.

5. Should agreement not be reached between the Divisions the matter shall be referred to the CFMEU National Executive to determine in accordance with the Schemes of Amalgamation and Rules of the Union.

6. Until the elections scheduled to be held in August 2004 the FFPD shall be constituted and represented as follows:-

(a) Divisional Conference shall consist of:-

(i) Forestry Division Representatives

Trevor Smith	SA	Jane Calvert	VIC
Paul Martinella	SA	Andy Laing	VIC
Mark Nicholls	SA	Ian Mullen	VIC
Brenton Lockwood	SA	Michael O'Connor	VIC
Scott McLean	TAS	Brad Platschinda	VIC
Colin Butler	TAS	Bevan Anderson	NSW
Gary Jaeschke	WA	Bruce CampbellNSW	
Christopher Northover	P&P	Craig Smith	NSW
Phillip Illidge	P&P	Eileen Anderson	NSW
Alex Millar	P&P	Kenneth Miller	NSW
Debbie Brennan	P&P		

(ii) FFTS Division Representation

Jim Emery	SA	Leo Skourdoumbis	VIC
David Kirner	SA	Frank Vari	VIC
Brad Parker	NSW	Joe Patti	VIC
Greg Williams	QLD	Cliff Palmer	VIC
John O'Brien	VIC	Alwin Seneviratne	VIC

(iii) Representation

Representation of the Forestry and FFTS Division Branches shall be in accordance with Rule 8 of the Forestry Division Rules.

(b) Divisional Executive shall consist of:-

(i)

Jane Calvert	Divisional President
Phillip Illidge	Divisional Snr V/President
Brad Parker	Divisional V/President
Craig Smith	Divisional V/President
Trevor Smith	Divisional Secretary
Chris Northover	Divisional Snr Assistant Secretary (Honorary)
Michael O'Connor	Divisional Assistant Secretary
Leo Skourdoumbis	Divisional Assistant Secretary (Honorary)
Kenneth Miller	Divisional Trustee
Dave Kirner	Divisional Trustee
Frank Vari	Divisional Trustee
Scott McLean	Divisional Trustee
Paul Martinella	Divisional Executive Member
Greg Williams	Divisional Executive Member
Gary Jaeschke	Divisional Executive Member

(c) FFPD NSW Branch Executive/Committee of Management

Brad Parker	Joint President (full-time)
Bevan Anderson	Joint President (Honorary)
Bruce Campbell	Snr V/President
Jayne Willet	Jnr V/President (AA)
Tom Abramovic	Jnr V/President
Craig Smith	Secretary
Sala Taalilil	Trustee

Eileen Anderson	Trustee (AA)
Peter Reilly	Trustee
Ronnie Watson	Trustee
Kenneth Miller	Trustee
Alan Lanyon	Committee Member
Barry Barrakett	Committee Member
Cheryl Hampton	Committee Member
Kerry Hickey	Committee Member
Mark Thompson	Committee Member
Michael Schuppan	Committee Member
Peter StClair	Committee Member
Anthony Ovington	Committee Member

(2 Vacant COM positions to be filled by FFTS)

(d) (a) FFPD VIC FFTS Branch Executive/Committee of Management

Joe Patti	President
Cliff Palmer	V/President
John O'Brien	V/President
Leo Skourdoumbis	Secretary
Frank Vari	Assistant Secretary
Michael Doran	Trustee
Ernie Landolt	Trustee
Les Ford	Trustee
Florencio P Carrion	Committee Member
Eric Maher	Committee Member
Jeffery Connor	Committee Member
Brenda Crawford	Committee Member
Penny Lintzos	Committee Member
James Maine	Committee Member
Alwin Seneviratne	Committee Member
Greg Wheeler	Committee Member
Chris Christou	Committee Member
Damian Cooke	Committee Member
Ian Morris	Committee Member

(b) FFPD VIC Forestry Branch Executive/Committee of Management

Andy Laing	President
Ian Mullen	Snr V/President
Andrew Wareham	V/President
Kim Mason	V/President (AA)
Jane Calvert	Secretary
Yorick Piper	Assistant Secretary
Kevin Wyley	Trustee
Clare Burford	Trustee (AA)
Ken Tonkin	Trustee
Mark Nelson	Trustee
Ricky Owens	Committee Member
Bob Salmnon	Committee Member
Wayne Smith	Committee Member
Neil Saunders	Committee Member
David Sheppard	Committee Member
Sunsera Verhoven	Committee Member
Anthony Jones	Committee Member
Duncan Ingram	Committee Member

Graeme Howe	Committee Member

(1 vacant COM AA position to be filled)

(e) FFPD Pulp & Paper Branch Executive/Committee of Management

Phillip Illidge	President
Robert Johnston	Snr V/President
Alex Millar	Jnr V/President
Chris Northover	Secretary/Treasurer
Grant Keys	Trustee
Chris Northover	Trustee
Alex Millar	Trustee
Geoff Gasperotti	Committee Member
Wayne Hardy	Committee Member
Andrew Ball	Committee Member
Greg Stewart	Committee Member
David Jessup	Committee Member
Mervyn Donoghue	Committee Member
Tom Blacka	Committee Member
Craig Waters	Committee Member
Ken Fraser	Committee Member
William Davey	Committee Member
Greg Godde	Committee Member
Trevor Sinclair	Committee Member
Marne Gurney	Committee Member

(f) FFPD SA Branch Executive & Committee of Management

Jim Emery	President
Mark Nicholls	Snr V/President
Tony Howlett	V/President
Maree Gale	V/President
Paul Martinella	Secretary
David Kirner	Assistant Secretary
Steve Crafter	Trustee
Tom Kenny	Trustee
Ross Bennetta	Trustee
Leonie Kiploks	Trustee (AA)
Karen Cory	Committee Member
Mark Vickers	Committee Member
Peter Nelson	Committee Member
Greg Muhovics	Committee Member
Andrew Sampson	Committee Member
Kym Isaacson	Committee Member
Peter Starr	Committee Member
Bill Burns	Committee Member
Bernie Maguire	Committee Member
Laurie Barbary	Committee Member

(1 Vacant COM AA position to be filled by FFTS)

(g) FFPD TAS Branch Executive & Committee of Management

Colin Butler	President
Angela Lord	Snr V/President
Narrelle Bassett	V/President (AA)
Anthony Clay	V/President

Scott McLean	Secretary
Shiralee Gillespie	Trustee (AA)
Ronald Brown	Trustee
Leanne Hardy	Trustee (AA)
Lindsay Hills	Trustee
Robert Bowden	Committee Member
Paul Worker	Committee Member
Peter Mason	Committee Member
Margaret Watson	Committee Member
Kylie Dundas	Committee Member
Joseph Kelly	Committee Member
Anthony Barnes	Committee Member
Adrian Littlejohn	Committee Member

(h) FFPD QLD Branch Executive/Committee of Management

Ursula Korableff	President
Desmond Flanagan	V/President
Stephan Williams	V/President
Greg Williams	Secretary
Rodney Black	Committee Member
Vincent Breen	Committee Member
John Forrest	Committee Member

(i) FFPD WA Branch Executive/Committee of Management

John Rudge	President
Vincent Preedy	Snr V/President
Douglas Ashcroft	V/President
Gary Jaeschke	Secretary (Honorary)
John Cleary	Trustee
Garry Rampling	Trustee

7. This rule shall come into force on and from 11 February 2002 in accordance with the unanimous decision of the National Executive and shall be registered with the Australian Industrial Registry.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State or Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS

(i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

Nothing in this Rule prevents the Branch from entering into an agreement with a Trade or Industrial Union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or on a basis on which the funds are held in common or jointly so long as the funds are treated, for all purposes, insofar as they relate to members of the Branch, as funds of the Branch.

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

The Auditor shall, in the aforesaid report, draw attention of the State Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Branch.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made pursuant thereto.

Upon receipt by the State Branch Secretary of a petition, signed by not less than 5% of the members of the State Branch, requesting that a general meeting of members of the State Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the State Branch, the State Branch Secretary shall convene such meeting as soon as is practicable.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

SCHEDULE OF OFFICERS REFERRED TO IN RULE 42 (xiv) (a)

POSITION	PERSON TO HOLD POSITION
NATIONAL UNION	
** Joint National Secretary	Stanley Sharkey
** Joint National Secretary	Vic Fitzgerald
** Joint National President	John Maitland
** Joint National President	Trevor Smith
** National Assistant Secretary	John Sutton
** National Senior Vice President	Lou Kyriacou

* National Senior Vice President	Albert Littler
National Senior Vice President	Bill Ethell
Joint National Vice President	Christopher Northover
Joint National Vice President	Kenneth Hawkins
Joint National Vice President	Malcolm McDonald
Joint National Vice President	Thomas Burke
* FEDFA Divisional Assistant Secretary	Tony Maher
* BWIU/Plasterers Divisional Assistant Secretary	Lindsay Fraser
* ATAIU Divisional Assistant Secretary	Chris Northover
* UMW Divisional General Secretary	Eric A Wilks
* UMW Divisional Vice President	Kenneth Hawkins

NATIONAL EXECUTIVE COMMITTEE shall consist of the six (6) principal officers (marked **) plus the other full-time Divisional Officers of each Division (marked *).

NATIONAL EXECUTIVE shall consist of the persons who constitute the National Executive Committee set out above and the Divisional Branch Secretary of each Divisional Branch of each Division set out herein and shall, in accordance with Rule 42 (viii) (a) include the National President and National Secretary of the former OPPWF. This body shall also include the Divisional Branch Secretaries from Victoria, New South Wales, South Australia and Queensland of the FFTS Union Division.

It also includes the South Australian, Victoria and Queensland Branch Secretaries and the NSW Branch Assistant Secretary of the former OPDU.

NATIONAL CONFERENCE shall consist of the persons listed as the members of the four (4) divisional executives set out herein until 2 January 1997, the following shall also be a delegate,

T. Richardson - Secretary of former OPPWF, Queensland Branch.

The National Conference shall also include the persons (as set out herein) comprising the Federal Executive of the FFTS Union Division while that Union Division remains autonomous.

BRANCHES OF THE UNION

NEW SOUTH WALES BRANCH

New South Wales State Officers

Joint NSW State Secretary	Dennis Matthews
Joint NSW State Secretary	Ian Peel
Joint NSW State President	Gavin Hillier
Joint NSW State President	Michael Watson
Joint NSW State Assistant Secretary	Andrew Ferguson
Joint NSW State Assistant Secretary	Alf Rankin
Joint NSW State Senior Vice President	Thomas Burke
Joint NSW State Senior Vice President	Peter McClelland

Joint NSW State Senior Vice President	Edward Curran
Joint NSW State Senior Vice President	Sid Wales
Joint NSW State Vice President	Bevan Anderson
Joint NSW State Vice President	Howard Fisher
Joint NSW State Vice President	Mick Smith
Joint NSW State Vice President	Gary McArthur

New South Wales State Executive

Shall consist of the abovenamed persons being the NSW State Officers together with the persons who are the full-time Divisional Branch officers, other than organisers, of each Divisional Branch, being,

ATAIU NSW Divisional State Assistant Secretary, Joyce Tuckwell
FEDFA NSW Divisional State Assistant Secretary, Scott Gartrell
FFTS NSW Union Divisional State Assistant Secretary, Rex Smith

New South Wales State Conference

Shall consist of the persons who constitute NSW State Executive as listed above (i.e. including NSW State Officers) and the persons being the other members of ATAIU NSW Divisional Branch Management Committee and the Building Unions NSW Divisional Branch Management Committee and the UMW Divisional Branch Management Committee, and the FEDFA NSW Divisional Branch Management Committee and the FFTS Union Division NSW Branch Management Committee listed herein.

VICTORIAN BRANCH

Victorian State Officers

Joint Vic State Secretary	John Van Camp
Joint Vic State Secretary	Vince Raffa
Joint Vic State President	Barry King
Joint Vic State President	Lou Kyriacou
Joint Vic State Assistant Secretary	Martin Kingham
Joint Vic State Assistant Secretary	Vacant
Vic State Senior Vice President	Frank O'Grady
Joint Vic State Vice President	Vilma Stargatt
Joint Vic State Vice President	Malcolm McDonald
Joint Vic State Vice President	Alex Findlay
Joint Vic State Vice President	Vacant

Victorian State Executive

Shall consist of the abovenamed persons being the Victorian Divisional Officers, Building Unions Victorian Divisional State Assistant Secretary and the FEDFA Victorian Divisional State Assistant Secretary plus FFTS Union Division Victorian Divisional Branch Senior Organiser.

Victorian State Conference

Shall consist of the persons who constitute the persons being the other members of the ATAIU Victorian Divisional Branch Management Committee, the BWIU Victorian Divisional Branch Management Committee and the FEDFA Victorian Branch Management Committee and the FFTS Union Division Victorian Divisional Branch Management Committee listed herein.

SOUTH AUSTRALIAN BRANCH

South Australian State Officers

SA State Secretary	Ben Carslake
SA State President	Quentin Cook
Joint SA Senior State Vice President	A. Johnson
Joint SA Senior State Vice President	D. Frater
Joint SA State Vice President	A. Young
Joint SA State Vice President	G. Bull
Joint SA State Vice President	D. Stapleton
Joint SA State Assistant Secretary	Terry Carrol
Joint SA State Assistant Secretary	Geoff Day
Joint SA State Assistant Secretary	J. McGirr

South Australian State Executive

Shall consist of the abovenamed persons being South Australian State Officers and

ATAIU SA Divisional Branch Assistant Secretary
FFTS SA Divisional Branch Assistant Secretary

South Australian State Conference

Shall consist of the persons who constitute South Australian State Executive set out above and the persons being the other members of the ATAIU South Australian Divisional Branch Management Committee, the Building Unions South Australian Divisional Branch Management Committee the FFTS Union Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee listed herein.

TASMANIAN BRANCH

Tasmanian State Officers

Joint Tas State Secretary	Max Cordwell
Joint Tas State Secretary	Mike Grey
Joint Tas State President	Shayne Murphy
Joint Tas State President	Leonard Miles
Tas State Senior Vice President	Stephen Hevey
Joint Tas State Vice President	J. Gill
Joint Tas State Vice President	Colin Butler
Joint Tas State Vice President	M. Collins
Joint Tas State Vice President	David Bean
Joint Tas State Vice President	Barry Bishop
Joint Tas State Vice President	Ray Carroll
Tas State Assistant Secretary	

Tasmanian State Executive

Shall consist of the Full Time Tasmanian State Officers.

Tasmanian State Conference

Shall consist of the persons listed as the Tasmanian State Executive set out above and, the other persons being the persons listed as members of the ATAIU Tasmanian Divisional Branch

Management Committee, UMW Tasmanian Divisional Branch Management Committee, the Building Unions Tasmanian Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee and the FFTS Union Division Tasmanian Branch Management Committee listed herein.

AUSTRALIAN CAPITAL TERRITORY BRANCH

ACT State Officers

ACT State Secretary	George Wason
ACT State President	Rod Driver
Joint ACT State Vice President	Kate Lundy
Joint ACT State Vice President	J. McHugh
Joint ACT State Assistant Secretary	Trevor Zeltner
Joint ACT State Assistant Secretary	Stan Hambesis

ACT State Executive

Shall consist of the abovenamed persons listed as ACT State Officers.

ACT State Conference

Shall consist of those persons listed above as being the ACT State Executive and the other persons listed herein as members of the Building Unions ACT Divisional Branch Management Committee.

WESTERN AUSTRALIAN BRANCH

Western Australian State Officers

WA State Secretary	Bill Ethell
Joint WA State President	John Borlini
Joint WA State President	Alex A'Vard
Joint WA State Vice President	Gary Wood
Joint WA State Vice President	A. Baxter
Joint WA State Vice President	Ron Kielty
Joint WA State Vice President	A. Cook
Joint WA State Vice President	K. Reynolds
Joint WA State Assistant Secretary	Rick Todd
Joint WA State Assistant Secretary	Dave McIntyre

WA State Executive

Shall consist of the abovenamed persons listed as WA State Officers.

WA State Conference

Shall consist of those persons listed above as being the WA State Executive and the persons listed herein as members of the both Building Unions Divisional Branches' Management Committees, the members of the UMW WA District Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee.

QUEENSLAND BRANCH

Queensland State Officers

Joint Qld State Secretary	William Trohear
Joint Qld State Secretary	Greg Betts
Joint Qld State President	Andrew Vickers
Joint Qld State President	Peter Stone
Joint Qld State President	Des Holloway
Joint Qld State Senior Vice President	V. Robinson
Joint Qld State Vice President	B. Rushan
Joint Qld State Vice President	Kevin Anderson
Joint Qld State Vice President	Peter Neilson
Joint Qld State Assistant Secretary	Mark Hickey
Joint Qld State Assistant Secretary	Geoff Wilson
Joint Qld State Assistant Secretary	P. Waters

Queensland State Executive

Shall consist of the abovenamed persons listed as Queensland State Officers plus an additional person being the FFTS Union Division Qld Branch Assistant Secretary.

Queensland State Conference

Shall consist of those persons listed above as being the Queensland State Executive and the persons listed herein as members of the Building Unions Queensland Divisional Branch Management Committee, the members of the UMW Divisional Branch Management Committee and the members of the FEDFA Divisional Branch Management Committee and members of the FFTS Union Division Qld Divisional Branch Management Committee.

BUILDING UNIONS DIVISION

DIVISIONAL OFFICERS

Joint Divisional President	A. Littler
Joint Divisional President	B. Ethell
Divisional Secretary	S. Sharkey
Joint Divisional Assistant Secretary	J. Sutton
Joint Divisional Assistant Secretary	L. Fraser
Joint Divisional Senior Vice President	D. McDonald
Joint Divisional Senior Vice President	J. McGirr
Joint Divisional Vice President	C. Bates
Joint Divisional Vice President	M. Bingham
Joint Divisional Vice President	T. Burke

BUILDING UNIONS DIVISIONAL EXECUTIVE

The Divisional Officers of Building Unions Division as set out above, and

W. Trohear	Queensland
M. Cordwell	Tasmania
B. Carslake	South Australia
V. Raffa	Victoria
D. Cafferty	Victoria
G. Wason	Australian Capital Territory
D. Matthews	New South Wales
A. Rankin	New South Wales

B. Ethell	Western Australia
T. Carroll	Plasterers
K. Reynolds	WA Plasterers

BUILDING UNIONS DIVISIONAL CONFERENCE

The Divisional Officers of Building Unions Division and the Divisional Executive as set out above, and the following delegates from Building Unions Divisional Branches:

A. Ferguson	(NSW)	A. Wigchert	(QLD)
P. Grainger	(NSW)	M. Hickey	(QLD)
J. Briggs	(NSW)	T. Richardson	(QLD)
T. Morrison	(NSW)		
T. Mawdsley	(NSW)	F. O'Grady	(VIC)
J. Taylor	(NSW)	R. Williams	(VIC)
I. Smith	(NSW)	M. Kingham	(VIC)
B. Woodham	(NSW)	J. Saddington	(VIC)
T. McDonald	(NSW)		
E. Boatswain	(NSW)	R. Todd	(WA)

- together with the OPDU Federal Council as at the date of amalgamation.

BUILDING UNIONS DIVISIONAL TRUSTEES

W. Trohear	(QLD)
R. Driver	(ACT)

BUILDING UNIONS NSW DIVISIONAL BRANCH

Divisional State President	P. McClelland
Divisional State Secretary	D. Matthews
Joint Divisional State Assistant Secretary	A. Ferguson
Joint Divisional State Assistant Secretary	T. Burke
Joint Divisional State Assistant Secretary	A. Rankin
Divisional State Vice President	G. McArthur

BUILDING UNIONS NSW DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners
T. Morrison
J. Pineiro
I. Smith
L. Strutzenberger
M. Barrios

Bridge & Wharf
A. Melnikoff

Tilelayer
L. Quill

Slater & Tiler
M. Murphy

Bricklayers
H.D. Eisenhammer
A. Baxter

Builders Labourers
J. Ashdown
P. Balcombe
I. Gavin
S. Green

Stonemason
S. Cafarella

Plasterer
C. Howarth

Painters
J. Anning
J. Foster
J. Hoddle

BUILDING UNIONS NSW DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and -

Sydney Zone

Sydney Carpenters & Joiners
H. Brazao
P. Bristow
T. Connolly
P. Eggers
E. Elder
G. Kelly
F. Malis
P. Leyden
A. Zdrilic

Sydney Bricklayers
V. Catania
J. Taylor
M. McAliney

Sydney Builders Labourers
B. Granata
E. Harbidge
G. Sheen
D. Stean
J. McGee
S. Whetter

Country Zone

Country Carpenters & Joiners
L. Allen
R. Wills

Country Bricklayer
D. Atkinson

Country Builders Labourer
W. Shipman

Bridge & Wharf
C. Ford

Tilelayers
L. Quill

Slaters & Tilers
M. French

Stonemasons
J. Robinson

Plasterer
K. Andrews

Newcastle Zone

Newcastle Carpenters & Joiners
J. Allen
P. Cuskelly

Newcastle Bricklayer
L. Deeks

Newcastle Builders Labourer
E. Purins

Wollongong Zone

Wollongong Carpenters & Joiners
T. Gray
G. Karry

Wollongong Bricklayer
W. Hall

Wollongong Builders Labourer
M. Ward

BUILDING UNIONS NSW DIVISIONAL BRANCH TRUSTEES

T. Morrison
L. Strutzenberger
S. Green
J. Anning

BUILDING UNIONS NSW DIVISIONAL BRANCH ORGANISERS

B. Miller
P. Grainger
W. Baker
J. Briggs
B. Cochrane
N. Fodor
J. Higgins
J. Curruthers
J. Prentice
J. McKee
T. Hunt
M. Lawler
P. Zaboyak
M. Lynch
S. Manna
T. Mawdsley
D. Sullivan
C. Bates
J. Adams
J. McGahan
B. Beasley

Newcastle: R. Jarman

BUILDING UNIONS NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

T. McDonald
S. Sharkey
D. McDonald
J. Briggs
I. Smith
P. Grainger
J. Taylor
J. Sutton
T. Burke
E. Boatswain
D. Matthews
L. Fraser
C. Bates
A. Ferguson
T. Morrison
T. Mawdsley
B. Woodham

BUILDING UNIONS QLD DIVISIONAL BRANCH

Divisional State President — P. Stone
Divisional State Secretary — W.W. Trohear
Divisional State Assistant Secretary — M. Hickey
Divisional State Assistant Secretary — P. Waters
Divisional State Vice President — K. Anderson
Divisional State Vice President — B. Rushan

BUILDING UNIONS QLD DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

B. Tucker
P. Stone
T. Richardson
R. Bostock
K. Marcus
K. Anderson
B. Hopton
K. Bull
R. Vanderhorst
A. Pountey
F. Pearson
J. Gruer
G. Federer
B. Hall
G. Horn
B. McGill
M. Edwards

BUILDING UNIONS QLD DIVISIONAL BRANCH TRUSTEES

P. Stone

T. Richardson
R. Bostock
R. Vanderhorst

BUILDING UNIONS QLD DIVISIONAL BRANCH ORGANISERS

W. Perrett
D. Kersey
T. Richardson
K. Murphy
K. Carroll
G. Howcroft
A. Wigchert

BUILDING UNIONS QLD DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. Trohear
A. Wigchert
M. Hickey
T. Richardson

BUILDING UNIONS WA DIVISIONAL BRANCH

Divisional State President	A. Baxter
Divisional State Secretary	B. Ethell
Divisional State Assistant Secretary	R. Todd

BWIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

N. Houston
P. Alcantara
B. Churchill
B. Freeman
T. Bird
H. Johnson
M. Banks
J. Giles

BWIU WA DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

Perth
G. Curtin
R. Gaskell
C. Knight
B. Waller
A. De Klerk
M. Floud
N. Drayton
A. Hughes
K. Bulloch
J. Fitzgerald

Fremantle/Medina
C. Gorham
A. Phillips
J. Allison
P. Fairbotham
J. Curran

South West
J. McDonell

BWIU WA DIVISIONAL BRANCH ORGANISERS

D. Wildgoose
J. Gallagher

BWIU WA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Ethell
R. Todd

BUILDING UNIONS WA PLASTERERS DIVISIONAL BRANCH

Divisional State President	Mark Hudston
Divisional State Secretary	Kevin Reynolds
Divisional Branch Delegate to National Conference	Kevin Reynolds
Divisional State Vice President	Roy Cox
Divisional Committee of Management	James Hamilton
	Michael Naughton
Divisional Branch Organiser	Robert Manwaring

BUILDING UNIONS TAS DIVISIONAL BRANCH

Divisional State President	Stephen Hevey
Divisional State Secretary	Max Cordwell
Divisional State Assistant Secretary	T. Benson
Joint Divisional State Vice President	Ray Browne
Joint Divisional State Vice President	Ray Carroll
Joint Divisional State Vice President	M. Collins

BUILDING UNIONS TAS DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Adrian Telha	Paul Ridgeway
Roy Smedley	Grant Jackson
Ray Carroll	Gary Taylor
R. Edwards	L. Verrell

BUILDING UNIONS TAS DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

002 Area	003 Area
C. Green	A.J. Smith
A. Currie	L. Edwards
R. Dillon	P. Harris

004 Area

W. Maloney
B. Knowles
R. Doe

BUILDING UNIONS TAS DIVISIONAL BRANCH TRUSTEES

Max Cordwell	Stephen Hevey
Ray Browne	Adrian Telha
R. C. Edwards	A. R. Benson

BUILDING UNIONS TAS DIVISIONAL BRANCH ORGANISERS

Mark Telha
Martin Clifford
Ray Carroll

BUILDING UNIONS TAS DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

M. Cordwell

BUILDING UNIONS VIC DIVISIONAL BRANCH

Divisional State President	F. O'Grady
Divisional State Secretary	V. Raffa
Divisional Branch Assistant Secretaries	M. Kingham M. Bingham
Divisional State Vice President	B. Oliver

BUILDING UNIONS VIC DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners	**Builders Labourers**	**Painters**
R. Williams	T. Sinclair	M. Baird
R. Carter	R. Ryan	M. Garcia
G. Lavery	J. Nicol	K. B. Hughes
D. Van Dam	P. Lennon	P. Boyle
M. Santana	M. Bingham	M. Evans
W. Torpey	M. Ratel	
D. Noonan		
B. Giagnacovo		

Tilelayer	**Stonemason**
Z. Prazac	M. Newham

BUILDING UNIONS VIC DIVISIONAL BRANCH COUNCIL

Carpenters & Joiners	**Builders Labourers**
V. Nicoli	T. Bockting
K. Green	G. Young
D. Black	G. Miles
A. Moore	D. Noonan
W. Oliver	K. Hughes
H. Kotsabis	J. Bruce
D. Jacobson	J. McPartlin
G. Preddy	C. Leatham
D. Shacklock	

Stonemasons	**Tilelayers**
A. Patience	O. Kypta
G. Slack	Z. Prazak

Zone Delegates

Ballarat	Bendigo
V. Broes	T. Coleman

L. Brown
N. Davidson

N. Pyle
L. Worme

Brunswick
M. Kingham
W. McConnel
F. Stradijot

Camberwell
J. Baysinger
R. Bentley
S. Mitchell

Clifton Hill
F. Amarante
R. Collins
S. West

Essendon
D. Deprisco
T. Hancy
V. Raffa

Footscray
P. Leckie
F. Lopez
R. Storey

Geelong
J. Cody
J. O'Mara
B. Roche

Goulburn Valley
C. Craig
A. Kerris
P. O'Flaherty

Latrobe Valley
V. Beaton
M. Smith
A. Nabulsi

Melbourne
R. Carter
M. Santana
G. Tsotsos

Mordialloc
G. Burleigh
I. Nichol
P. Sullivan

Murray Valley
L. Fahey
S. Masterson
J. Salinger

Oakleigh
L. Bacolas
J. Medlyn
B. Smith

Preston
M. Collingburn
R. Lucas
N. Porter

Prahran
B. Giagnacovo
A. Medina
S. Delaney

Richmond
D. Blake
C. Commons
R. Hakainsson

South Western
K. O'Connor
A. Sargent
G. Sullivan

Sunraysia
A. Boldock
D. Costa
M. Dawes

Wimmera
R. Nesibit
G. Scott
A. Patterson

BUILDING UNIONS VIC DIVISIONAL BRANCH TRUSTEES

M. Kingham
B. Oliver
Vacant

M. Bingham
F. O'Grady
M. Baird

BUILDING UNIONS VIC DIVISIONAL BRANCH ORGANISERS

R. Welsh
T. Sinclair
R. Storey
W. Bingham
A. Medina
D. Jacobson
D. Noonan
P. Muldeary
H. Kotsabis
R. Carter
T. O'Kane
D. Riddell
G. Young
M. Kingham
M. Garcia

BUILDING UNIONS VIC DIVISIONAL BRANCH DELEGATES DIVISIONAL CONFERENCE

F. O'Grady
M. Kingham
V. Raffa
R. Williams
J. Saddington
M. Bingham

BUILDING UNIONS SA DIVISIONAL BRANCH

Divisional State President	A. Johnson
Divisional State Secretary	B. Carslake
Divisional State Vice President	G. Millar
Divisional State Vice President	D. Stapleton
Divisional State Assistant Secretary/Treasurer	T. Carroll
Divisional State Assistant Secretary/Treasurer	J. McGirr

BUILDING UNIONS SA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

BWIU	PLASTERERS	PAINTERS
F. Gosden	G. Parrish	George Tilley
T. Karrandjis	R. Watson	Greg Tilley
C. Morton	R. Bennett	Lambden
D. Sellmann	A. Spano	Weir
T. Middleton	S. Kesisoglou	McEwan
		Evans

BUILDING UNIONS SA DIVISIONAL BRANCH ORGANISERS

M. Gnatenko
H. Koemecker
M. Bella

BUILDING UNIONS SA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Carslake

BUILDING UNIONS ACT DIVISIONAL BRANCH

Divisional State President	R. Driver
Divisional State Secretary	G. Wason
Joint Divisional State Assistant Secretary	S. Hambesis

Joint Divisional State Assistant Secretary	T. Zeltner
Divisional State Vice President	K. Lundy
Divisional State Vice President	J. McHugh

BUILDING UNIONS ACT DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Pyner	J. Grey Reitz
A. Dillon	D. Rail
J. Long	G. Roderick
T. Lagoya	L. Lancsar
J. Diamante	B. Larke
G. McGowan-Lay	G. Cleghorn
P. Johnstone	P. Trapani

BUILDING UNIONS ACT DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

D. Thompson	G. Kirkwood
B. Norman	G. Frasin
C. Kaskoutas	W. Thompson
M. Morgan	J. Clyde
T. Gooden	R. Hemsley

BUILDING UNIONS ACT DIVISIONAL BRANCH TRUSTEES

G. Wason	R. Driver
S. Hambesis	K. Lundy
G. McGowan-Lay	

BUILDING UNIONS ACT DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

G. Wason

ATAIU DIVISIONAL BRANCH OFFICE HOLDERS

ATAIU DIVISIONAL OFFICERS

Divisional President	G. Hillier
Divisional Secretary	T. Smith
Divisional Assistant Secretary	C. Northover
Divisional Senior Vice President	S. Murphy
Joint Divisional Vice President	P. Illidge
Joint Divisional Vice President	B. King

ATAIU DIVISIONAL TRUSTEES

J. Tuckwell	Q. Cook
V. Stargatt	

Who form the Divisional Executive, and who with the following form the Divisional Conference

A. Roberg (SA)
C. Butler (TAS)
J. Gallogley (NSW)
M. Schuppan (NSW)
J. Beeson (VIC)
E. Swainston (VIC)
A. Dunlop (Pulp & Paper)
M. St Clair (SA)
B. Anderson (NSW)
J. Quartermaine (NSW)
B. Campbell (NSW)
B. Murpy (VIC)
M. Graham (Pulp & Paper)

ATAIU SA DIVISIONAL BRANCH

ATAIU SA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Young
Divisional Branch Secretary	Q. Cook
Divisional Branch Vice Presidents	M. St Clair
	A. Roberg

ATAIU SA DIVISIONAL BRANCH TRUSTEES

E. Cathro
J. Nicks
P. Martinella

Who form the Executive.

ATAIU SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

L. Barry
L. Kilsby
G. Schultz
B. Lockwood
T. Goodrich
F. Beimans
L. Pelkonen

ATAIU SA DIVISIONAL COUNCIL DELEGATES

M. St Clair
T. Smith
A. Young
Q. Cook

ATAIU NSW DIVISIONAL BRANCH

ATAIU NSW DIVISIONAL BRANCH OFFICERS

Divisional President	B. Anderson
Divisional Secretary	G. Hillier
Divisional Assistant Secretary	J. Tuckwell
Divisional Vice Presidents	G. Sacco
	J. Gallogley

ATAIU NSW DIVISIONAL BRANCH TRUSTEES

S. McDonald
B. Campbell
M. Schuppan

Who are officers and form the Executive.

ATAIU NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

W. Englert
S. Hudson
W. Sentance
C. Brooks
K. Yelverton
J. Quartermain
C. McGowan

ATAIU NSW DIVISIONAL COUNCIL DELEGATES

G. Hillier
J. Gallogley
J. Quartermain
B. Campbell
B. Anderson
S. McDonald
K. Yvelton

ATAIU VIC DIVISIONAL BRANCH

ATAIU VIC DIVISIONAL OFFICERS

Divisional President	V. Stargatt
Divisional Secretary	B. King
Divisional Vice Presidents	V. Iluk
	E. Swainston

ATAIU VIC DIVISIONAL BRANCH TRUSTEES

J. Beeson
B. Murphy
T. Carley

ATAIU VIC DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

J. Browne
P. Love
T. Stinton
S. Wilson
B. Harms
R. Owens
C. Walkear
P. Tait

ATAIU VIC DIVISIONAL COUNCIL DELEGATES

V. Stargatt
J. Beeson
B. Murphy
M. Lynch
E. Swainston

ATAIU TAS DIVISIONAL BRANCH

ATAIU TAS DIVISIONAL BRANCH OFFICERS

Divisional President	C. Butler
Divisional Secretary	S. Murphy
Divisional Vice Presidents	R. Ford
	D. Turriff

ATAIU TAS DIVISIONAL BRANCH TRUSTEES

C. Butler
R. Smith
S. Cahoon

ATAIU TAS DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

M. Barber
R. Foster
D. Harkes
B. Riley
S. Cahoon
R. French
N. Lincoln
R. Smith

ATAIU TAS DIVISIONAL COUNCIL DELEGATES

C. Butler
S. Murphy

ATAIU WA DIVISIONAL BRANCH

ATAIU WA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Cook
Divisional Branch Secretary	A. A'Vard
Divisional Branch Vice President	D. Murie
Divisional Branch Treasurer	R. Taylor

ATAIU WA DIVISIONAL BRANCH TRUSTEES

P. McCarthy
R. Henry
K. Smith

ATAIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

R. J. Smith
R. Reiter
V. McGlinn
G. P. Jaeschke
W. J. Hall
C. Hagelund
K. Cameron
J. Savage
M. Bennett

ATAIU NO. 7 DIVISIONAL BRANCH

ATAIU NO. 7 DIVISIONAL BRANCH OFFICERS

Divisional Branch President	P. Illidge
Divisional Branch Secretary/Treasurer	C. Northover
Divisional Branch Assistant Secretary/Treasurer	M. Graham
Divisional Vice Presidents	A. Dunlop
	R. Johnson

ATAIU NO. 7 DIVISIONAL BRANCH TRUSTEES

C. Northover
M. Graham

ATAIU NO. 7 DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

D. Garlick
T. Mackerell
N. Anderson
N. Allen
M. Donoghue
J. Wright
G. Aston
G. Morley
C. Glaubitz
D. McKay
P. Graham
T. Kelly

W. Hardy	G. Lincoln
G. Draper	T. Dwyer

ATAIU NO. 7 DIVISIONAL COUNCIL DELEGATES

C. Northover	M. Graham
P. Illidge	

ATAIU NOWRA SUB-BRANCH

President	Peter Graham
Senior Vice President	Harry Knowles
Junior Vice President	Tim Cato
Secretary-Treasurer	Mervyn Donoghue
Committee of Management	Rhonda Shelley
	Jim Evans
	Ray Clarke
	Alan Whitton
Delegate to No. 7 Branch	
Committee of Management	Mervyn Donoghue
	Peter Graham

ATAIU BURNIE SUB-BRANCH

President	George Draper
Senior Vice President	Barry Connors
Junior Vice President	Eric Edwards
Secretary-Treasurer	Geoffrey Lincoln
Committee of Management	
Alan Claridge	Graham Wells
Anthony Johnson	Andrew Crawn
Jack Wylie	Russell Norton
Danny Rowlands	Richard Troughton
Noel Stubbs	Rex Berry
Delegate to No. 7 Branch	
Committee of Management	Geoffrey Lincoln
	George Draper

ATAIU PORT HUON SUB-BRANCH

President	Barry Young
Senior Vice President	Colin McMullin
Junior Vice President	Jeff Parsons
Secretary-Treasurer	Wayne Hardy
Committee of Management	
Neville Burgess	Graeme Goaman
David Greatbatch	Ricky Cowen
Delegate to No. 7 Branch	
Committee of Management	Wayne Hardy

ATAIU MYRTLEFORD SUB-BRANCH

President	Vacant
Senior Vice President	Bruce Dale
Junior Vice President	Paul Ryan
Secretary-Treasurer	Trevor Dwyer
Committee of Management	Oliver Evans
	Colin Richardson
	Trevor Davis
	Robert Arnold
	Christopher Stone
Delegate to No. 7 Branch Committee of Management	Trevor Dwyer

ATAIU MARYVALE SUB-BRANCH

President	Neville Anderson
Senior Vice Persident	Charles Glaubitz
Junior Vice President	Cidge Fabris
Secretary/Treasurer	Graeme Morley
Committee of Management	
Steven Gilham	Robert Brown
Vernon Jones	Charles Stuart
Geoffrey Dorling	Brian McNamara
Peter Morris	Steven Mason
Wayne Snell	Vincent Nabel
Delegates to No. 7 Branch Committee of Management	Neville Anderson
	Charles Glaubitz
	Graeme Morley
Delegates Gippsland Trades & Labour Council	Graeme Morley
	Vernon Jones
	Brian McNamara
	Robert Brown

ATAIU SYDNEY SUB-BRANCH

President	Donald McKay
Senior Vice Pesident	Ron McElhinney
Junior Vice President	Edward Pram
Secretary-Treasurer	Philip Illidge
Committee of Management	
William Daly	Les Smith
William Flowers	Anthony De Bono
Harry Marshall	Wayne Trewella
Mark Skennerton	Joseph Bodor
Delegates to No. 7 Branch Committee of Management	Philip Illidge
	Donald McKay

ATAIU BROADFORD SUB-BRANCH

President	Vacant
Senior Vice President	Vacant
Junior Vice President	Vacant
Secretary-Treasurer	Len Allen
Committee of Management	Garry Nesbitt
	Terry Hobson
	Alan Cole
	Craig Waters
Delegate to No. 7 Branch Committee of Management	Len Allen

ATAIU MILLICENT SUB-BRANCH

President	John Wright
Senior Vice Pesident	Trevor Kelly
Junior Vice President	Richard Watts
Secretary-Treasurer	Robert Johnston
Committee of Management	Michael King
	Graeme Richards
	Mavis Kloock
	Graeme Richardson
	Gilbert Mouat
	Helen Walker
Delegates to No. 7 Branch Committee of Management	John Wright
	Trevor Kelly
	Robert Johnston

ATAIU MELBOURNE SUB-BRANCH

President	David Garlick
Senior Vice President	George Ashton
Junior Vice President	Vacant
Secretary-Treasurer	Alexander Dunlop

Committee of Management

William Horton	Stan Mazur
Terry Mackerell	Steve Morris
Tom Donelly	Ian James
Alex Miller	Michael Adamopolous

Delegates to No. 7 Branch Committee of Management	Alexander Dunlop
	David Garlick
	George Aston

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Delegates to Victorian Trades Hall Council	Alexander Dunlop William Horton Terry Mackerell Malcolm Graham

UMW DIVISION

In accordance with Rule 42 - Transitional Provisions of the Rules of the Union being the National Rules the officers of the previously existing Mining Division immediately prior to the date of effect of the amalgamation shall be, on and from the date of effect of amalgamation the officers of the UMW Division which is the new name for the previous Mining Division and the only change therein shall be, to the extent necessary, the change in the title of office to reflect the change in the name of the Division from Mining Division to UMW Division.

FEDFA DIVISION

DIVISIONAL OFFICERS

Divisional President	M. McDonald
Divisional Secretary	V. Fitzgerald
Divisional Assistant Secretary	T. Maher

FEDFA DIVISIONAL EXECUTIVE

The Divisional Officers of FEDFA Division as set out above, and

I. Peel	New South Wales
J. Van Camp	Victoria
G. Betts	Queensland
G. Day	South Australia
B. O'Neil	Barrier
M. Grey	Tasmania
D. McIntyre	Western Australia

FEDFA DIVISIONAL CONFERENCE

The Divisional Officers of FEDFA Division and the Divisional Executive as set out above, and the following delegates from FEDFA Divisional Branches:

T. Maher	(NSW)
P. Jordan	(NSW)
B. Neilson	(VIC)
M. Hill	(VIC)
D. Holloway	(QLD)
G. Purtill	(QLD)
L. Wilson	(QLD)
B. Samson	(Barrier)
M. Buckley	(SA)
B. Low	(WA)
R. Harrison	(TAS)

FEDFA NSW DIVISIONAL BRANCH

Divisional Branch President	M. Smith
Divisional Branch Secretary	I. Peel
Divisional Branch Assistant Secretary	S. Gartrell

FEDFA NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above,

FEDFA NSW DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and regional delegates and organisers stated below,

Metropolitan
P. Wormleaton
R. Johnson
B. Francis
D. Whitehead
D. Dunn

Northern Region
N. Rose
M. Sealby
G. Webb
D. Owens
J. Nixon

Southern Region
K. Anderson
B. Barnham
G. Freeman
T. Potter

Western Area
R. Fuller
W. Williams

FEDFA NSW DIVISIONAL BRANCH ORGANISERS

Metropolitian
G. Avouris
T. Grant
S. Cochran

Northern
M. Beehag
S. Harding
L. Sinclair

Riverina
S. King
J. Wilson

Western
G. Childs

Southern
H. Miller

Mining
P. Jordan

Energy
A. Drew

FEDFA NSW DIVISIONAL BRANCH TRUSTEES

D. Dunn
L. Robinson
J. Owens

FEDFA NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

V. Fitzgerald

T. Maher
P. Jordan
I. Peel

FEDFA VICTORIAN DIVISIONAL BRANCH

Divisional Branch President	M. McDonald
Divisional Branch Secretary	J. Van Camp
Divisional Branch Assistant Secretary	M. Greenbury
Divisional Branch Vice President	M. Hill

FEDFA VICTORIAN DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

M. French
D. McDonald
D. Baker
J. Kadziela
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional Officers as set out above, and -

SECV Yallourn
P. Wilson

SECV Morwell
G. Reid

SECV LaTrobe
(vacant)

Country Provisional
W. Fleet
M. French
T. McKenzie
P. Skinner

Metropolitian
D. Baker
J. Kadziela

Organisers Rep.
A. Riley
M. Hallett
D. McDonald
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH ORGANISERS

W. Fleet
M. French
R. Hallett
M. Hill
A. Riley

TRUSTEES

M. McDonald
J. Van Camp

FEDFA VICTORIAN DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

J. Van Camp
M. McDonald
M. Hill
B. Nielson

FEDFA BARRIER DIVISIONAL BRANCH

Divisional Branch President	B. Samson
Divisional Branch Secretary	W. O'Neil
Divisional Branch Vice President	R. Hunter

FEDFA BARRIER DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above,

FEDFA BARRIER DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

D. Brennan	R. Adams
A. Fraser	B. Sayers
E. Snaith	

FEDFA BARRIER DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. O'Neil	B. Samson

TRUSTEES

R. Adams	B. Sayer
E. Snaith	

FEDFA TASMANIAN DIVISIONAL BRANCH

Divisional Branch President	B. Bishop
Divisional Branch Secretary	M. Grey

FEDFA TASMANIAN DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and - D. Dawson

FEDFA TASMANIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

Launceston	**Hobart**
D. Dawson	M. Hyland
Devonport	**Tullah**
(vacant)	T. Jones
Burnie	**Savage River**
L. Britton	R. Harrison
Rosebery/Lyell	**Organisers**
N. Hartnell	D. Moncrieff
	B. Best

FEDFA TASMANIAN DIVISONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

M. Grey R. Harrison

FEDFA WA DIVISONAL BRANCH

Divisional Branch President (vacant)
Divisional Branch Secretary (vacant)

FEDFA WA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

FEDFA WA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

P. Bates I. Douglas
T. Feeney D. Hellyer

FEDFA WA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

B. Low
(vacant)

FEDFA SA DIVISIONAL BRANCH

Divisional Branch President G. Bull
Divisional Branch Secretary G. Day
Divisional Branch Vice President F. Stonys

FEDFA SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Rogers R. Brewer

FEDFA SA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

J. Rodgers K. Maywald
F. Grosso F. Harrison
R. Brewer

ORGANISER

R. Brewer

FEDFA SA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

G. Day
M. Buckley

FEDFA QUEENSLAND DIVISONAL BRANCH

Divisional Branch President	D. Holloway
Divisional Branch Secretary	G. Betts
Divisional Branch Assistant Secretary	G. Wilson

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

S. Douglas	B. Scheuber
C. Swift	R. Coleman
L. Wilson	J. Spencer

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch State Management Committee as set out above, and -

M. Dowvendans	T. Quaid
L. Genrich	N. Rampton
R. Beattie	H. Heumiller
J. Rossington	C. Price
(vacant)	

FEDFA QUEENSLAND DIVISIONAL BRANCH ORGANISERS

D. Bloxsom	H. Heumiller
G. Flack	C. Price
C. Gillespie	T. Rosier
J. Rossington	B. Stacker
R. Tremlin	

FEDFA QUEENSLAND DIVISIONAL BRANCH TRUSTEES

D. Holloway	S. Douglas
G. Betts	L. Wilson

FFTS UNION DIVISION

DIVISIONAL OFFICERS

Divisional President	A. Findlay
Divisional Secretary	L. Kyriacou
Divisional Assistant Secretary	M. Haritou
Divisional Senior Vice-President	S. Wales
Divisional Junior Vice-President	D. Frater

FFTS UNION DIVISIONAL EXECUTIVE

The Divisional Officers of the FFTS Union Division as set out above, and

A. Smith	New South Wales
V. Robinson	Queensland

FFTS UNION DIVISIONAL CONFERENCE

The Divisional Officers of the FFTS Union Division and the Divisional Executive as set out above, and the following delegates from the FFTS Union Divisional Branches;

W. Brown (VIC)
M. Findlay (VIC)
R. Smith (NSW)
R. Groat (SA)
A. Cookson (QLD)
R. Orange (TAS)

FFTS UNION VIC. DIVISIONAL BRANCH

Divisional Branch President	M. Mitten
Divisional Branch Secretary	L. Kyriacou
Divisional Branch Assistant Secretary	A. Findlay
Divisional Branch Senior Vice-President	W. Brown
Divisional Branch Junior Vice-President	C. Avent
Divisional Branch Organiser	M. Haritou
Divisional Branch Organiser	R. Shugg

FFTS UNION VIC. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch Officers as set out above and -

A. Frazer	N. Hazeldine
G. Lee	P. Linzos
J. Maines	J. O'Brien
J. Patti	J. Robins
I. Whitcroft	L. Zanandrea
J. Calvert	

FFTS UNION NSW DIVISIONAL BRANCH

Divisional Branch President	R. Smith
Divisional Branch Secretary	S. Wales
Divisional Branch Assistant Secretary	R. Smith
Divisional Branch Vice-President	J. Callaway
Divisional Branch Organiser	Jack Lawrence

FFTS UNION NSW DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

J. Campbell	R. Davies
K. Campbell	W. Kraan
Robert Cumbo (Trustee)	Harry Irvine (Trustee)

FFTS UNION S.A. DIVISIONAL BRANCH

Divisional Branch President	R. Groat
Divisional Branch Secretary	D. Frater
Divisional Branch Assistant Secretary	S. Rowe
Divisional Branch Senior Vice-President	J. Emery

Divisional Branch Junior Vice-President	A. Reeves
Divisional Branch Organiser	S. Rowe
Divisional Branch Organiser	P. Wong
Divisional Branch Organiser	T. Woods

FFTS UNION S.A. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

B. Billington	M. Brownlie
P. Crisanti	A. Czora
A. Howlett	J. Salter
G. Whitford	

FFTS UNION QLD DIVISIONAL BRANCH

Divisional Branch President	G. William
Divisional Branch Secretary	V. Robinson
Divisional Branch Vice-President	A. Amos
Divisional Branch Assistant Secretary	A. Cookson

FFTS UNION QLD. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and - G. Dawson

FFTS UNION TAS DIVISIONAL BRANCH

Divisional Branch President	S. Negus
Divisional Branch Secretary	J. Gill
Divisional Branch Assistant Secretary	R. Orange
Divisional Branch Vice-President	C. Schoenwald
Additional Divisional Branch Executive member	W. Picken
Additional Divisional Branch Executive member	P. Green

FFTS UNION TAS DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

C. Sproule
W. Bandlow

END OF RULES

[105N-FED: incorporates alterations of 13/6/06 in matter R2006/159]

I CERTIFY under section 161 of Schedule 1 of the Workplace Relations Act 1996 that the pages herein numbered 1 to 91 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

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1 - NAME

The name of the Union shall be the "Construction, Forestry, Mining and Energy Union".

2 - CONSTITUTION

(A)(A)The Union shall consist of an unlimited number of persons whether male or female

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in

paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;
(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union shall consist of an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

(l) persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connexion with the production or preparation of manufactured goods, plant, machinery, equipment, packages or containers for sale or purposes of distribution.

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker

Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due

south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the:

(i) The Union shall also consist of all persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) The Union shall also consist of an unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board,strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) The Union shall also consist of such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby the Union shall also consist of an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members.

(E) Without limiting the generality of the foregoing and without being limited thereby the Union shall consist of:-

(a) An unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river, and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Union or a branch of the Union or whilst financial members of the Union are elected as representatives of any working-class organisation to which the Union or a branch thereof is affiliated, or as a working-class member of Parliament.

Provided that mobile crane drivers, operators of fork lifts and/or tow motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

(b) Further, provided that, without limiting the generality of the foregoing the Union shall also consist of the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connexion with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and

employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, the Union shall consist of employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the Union shall consist of an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation

and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work

Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler,

generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery

and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

4 - OBJECTS

1. To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial and social legislation.

2. To regulate the conditions under which all members, of the Union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or association, or association of Trades Unions or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Branches, Divisions, Divisional Branches, Sub-Branches, Districts or Sections of the Union throughout the Commonwealth of Australia.

7. To further any scheme that has for its object the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labour and Trade Union newspapers and wireless broadcasting and television stations, and to invest in shares in such newspapers and radio and television stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide labour or Trade Union Organisation or Association.

10. To establish and manage a Union Journal or Journals.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

14. To render legal and other assistance to members for the recovery of wages or compensation for injuries, to protect the interests of the trade in all its Branches, and to assist other trades by any legal method.

15. To obtain such other objects as the National Conference or National Executive shall from time to time determine.

16. To organise the education of members.

17. To establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Divisional or Divisional Branches.

18. The advancement of members intellectually, morally and socially and to do all things which, in the opinion of the Union, is in the interest of members including donations to political parties, the achievement of compulsory unionism, preference in employment, retrenchment, promotion, demotion and transfer in employment, the production and distribution of newspapers, journals and the like.

19. To achieve such other objects as may be lawfully adopted by any Division of the Union.

20. To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

"UNION" shall mean this Union and shall include all its Divisions, Branches, Divisional Branches and/or any other section or part of the Union.

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"PROPORTIONAL REPRESENTATION" shall mean a system of representation at Committees, Conferences, Executives or the like which, as far as practicable, will provide for voting on a basis which

reflects the number or percentage of financial members, as calculated in accordance with these rules, that each person on such Committee, Conference, Executive or the like, represents.

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

> In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.
>
> If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast then that candidate shall be declared elected.
>
> If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.
>
> If a candidate has then an absolute majority of votes then that candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the vote preferences shall continue until one candidate has received an absolute majority of votes.
>
> In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.
>
> The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Mining and Energy Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Workplace Relations Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

(ii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Rules of the Union may require, and shall, when requested, fill in and sign such application form as may be provided.

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v)(a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of

application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

(vii) A member shall, when applying for membership be informed of the financial obligations arising from membership and the circumstances, and the manner, in which a member may resign from the organisation and shall be informed of such in writing.

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be

reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

(ii) Any member who has failed to pay the entrance fees, or contributions, levies and fines imposed in accordance with the rules of the union on or before the date specified in such rules, shall be deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant for admission or exercise any authority or any membership rights, provided that the rules may provide that some members or some class or classes of members may vote in a ballot and/or may differentiate between classes of members as to the amount of any contribution and/or entrance fee.

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.202 of the

Industrial Relations Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

(i) A member desiring to transfer to any other union covering their calling shall make application to the Divisional Branch Secretary, or where the rules of the union so provide, Divisional Sub-Branch, in writing, and shall pay all dues owing to the union, and the transfer will be forwarded to the Secretary of the union to which the member desires to transfer. Such member shall cease to be a member of this Union as from the date on which the transfer is forwarded to the Secretary of such other union.

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

(iii) A clearance shall not be granted to any member unless all moneys owing have first been paid.

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

A register of members and any other records of the Union required to be kept by the Industrial Relations Act and the Regulations made thereunder shall be kept at the registered office of the Union and so far as such records relate to a Division or Divisional Branch at the registered office of that Division or Divisional Branch.

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from

amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.
Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one

calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telegram or telex.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, telephonic, telegraphic, telex, verbal and/or written vote (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) (a) The National Executive Committee shall consist of the National Principal Officers, being the National Secretary of the CFMEU, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Forestry, Furnishing, Building Products and Manufacturing Division, the General President of the Mining and Energy Division; together with the fulltime elected Officers of each Division who are fulltime at the National level and are not already one of the aforementioned National Principal Officers; two (2) Divisional Assistant Secretaries of the Forestry, Furnishing, Building Products and Manufacturing Division, one of whom shall be the Principal Officer of the Pulp and Paper Industry Sector and the other of whom shall be the Principal Officer of the Furnishing Industry Sector; and the Divisional President, and two (2) Divisional Assistant Secretaries of the Construction and General Division if not otherwise included.

(b) Without affecting the term of office of persons holding office as National Executive Committee members immediately prior to the date of certification of this sub-rule, the National Executive Committee shall, on and from 1 July, 2006 consist of the National Principal Officers, being the National Secretary, National President, National Assistant Secretary and National Senior Vice-President of the union together with such of the following elected officers of each Division at a National level namely:-

- in the case of the Construction and General Division, the Divisional Secretary, two (2) Divisional Assistant Secretaries, the Divisional President and the full time Divisional Senior Vice-President

- in the case of the Forestry, Furnishing, Building Products and Manufacturing Division, the Divisional Secretary, two (2) Divisional Assistant Secretaries and the Divisional President

- in the case of the Mining and Energy Division, the General President, the General Secretary, the General Vice-President and the Senior Vice-President

who are not one of the aforementioned National Principal Officers.

Provided however that in addition to the above the Construction and General Division shall be entitled to two (2) additional National Executive Committee members elected by and from the Construction and General Division Divisional Conference.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive and National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six (6). A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a facsimile, telephonic, email, written and/or postal vote of members of the National Executive or National Executive Committee at any time. Members of the National Executive or National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or facsimile or email or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or email.

15 - NATIONAL EXECUTIVE

(i) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

(ii) The National officers shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

(iv) The National Executive shall, unless its actions are overturned by the National Conference, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds and property of the Union and shall have and may exercise no more and no less than all of the powers of the National Conference and, without limiting the generality of the foregoing may:

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Industrial Relations Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

* in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

16 - ELECTION OF NATIONAL OFFICERS

(i) The National Secretary, National Assistant Secretary and National President (and on and from 1 July, 2006, the National Senior Vice-President) shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, for Divisions with more than one Divisional Branch, each Division shall be represented by at least one Officer who shall be the principal officer of that Division.

Further provided that until 30 June, 2006, for Divisions with more than one Divisional Branch, each Division shall hold at least one position of Joint Vice President as follows:

* Joint Vice President (Construction and General Division)
* Joint Vice President (FFPD Division)
* Joint Vice President (Mining & Energy Division)

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions by resolution from that Division's Divisional Conference.

Further provided that until 30 June, 2006**,** there shall be a Principal Officer of the FFPD Division representing the former FFTS Division who shall be a National Senior Vice-President. Such officer shall be and remain a member of the National Executive and the National Executive Committee.

Further provided that the Construction & General Division Senior Vice-President (former National Secretary of the OPDU) shall be a National Vice-President and shall be and remain a member of the National Executive and National Executive Committee.

Until 30 June, 2006 all existing full-time officers of each Division, not otherwise elected to any of the foregoing positions, shall be and remain members of the National Executive Committee.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office

or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office. Further provided that in the case of a vacancy in one or more of the National Principal Officer positions, the National Executive may fill such office by appointment from the National Conference delegates. Provided however that any such appointment/s shall ensure that each Division shall have at least one representative amongst the four National Principal Officers.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by post, letter, telegram, telephone, telex, facsimile and/or verbally as soon as the count is completed.

(ix) In any ballot of the National Collegiate for the election of National Officers, the representatives of each of the Divisions shall cast votes proportionate to the membership of their respective Divisions determined in the same way, the necessary changes being made, as votes cast by delegates to the National Conference in accordance with Rule 13(iii) and (iv) herein.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(ii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iii) Except in the case of the Mining & Energy Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) That nominations are called in accordance with the rules of the Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) That the nominations process, closure and receiving of, are in accordance with the rules of the Division.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) Officers of all Divisional Branches holding such office at the date of amalgamation shall remain in office until the general election of officers held in 1996 and shall be eligible to nominate in that election. In this paragraph officers of all Divisional Branches shall mean officers of branches of the amalgamating unions being the persons listed in the schedule hereto.

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the

names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall, in accordance with the Rules of the Division, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only:-

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) The candidate's statement provided for in accordance with sub-rule (h) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail all ballot papers, in accordance with the Rules of the Division.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed closed in accordance with the rules of the Division.

(r) That the opening and closing of the ballot shall be in accordance with the rules of the Division.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the

necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

"Preferential Voting" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter gives as their first preference, and shall place the number 2, 3, 4 (and so on as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the preference for them. In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate. If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference. If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preference shall be the same as is above

prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except Mining and Energy Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(ii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iii) The Divisional Officers at a national level shall be members of that Divisional Executive.

(iv) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

Any Officer may be removed from office by majority decision of the National Executive, provided that such officer shall not be dismissed from office unless found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

Any officer so removed from office shall have the right of appeal to the National Conference. In the event of the appeal being upheld the National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

National Executive shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS

1. The following sets out the duties of the National Officers outlined herein. The National Secretary shall be a full time position. The wages and costs relating to the office of the full time officer shall be borne by the Union.

2. National President:

The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

The National President shall have a deliberative vote only.

The National President shall perform all duties assigned to him/her by the National Conference or National Executive and shall be responsible with the National Secretary for the allocation of duties and responsibilities arising from decisions of the National Conference or the National Executive.

3. National Secretary:

The National Secretary shall be responsible for the general correspondence of the Union, National finance, filing of documents, industrial returns and the carrying out of decisions made by National Conference or National Executive.

The National Secretary shall have the power, subject to decisions of the National Executive and/or National Conference, to appoint, control and dismiss the clerical, industrial, research and

accountancy staff of the National Office and allocate duties and responsibilities within the National Office.

The National Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the National Office, together with a statement of the assets and liabilities of the National Office for the year ending 31st December in each year.

Such financial statement shall be presented to the National Executive for its approval and be published within the journal of the National Union.

The National Secretary shall carry out such other functions as shall be determined from time to time by the National Conference or National Executive.

The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretary:

National Assistant Secretary shall perform all duties assigned to him/her by National Conference and National Executive. He/She shall attend all meetings of National Conference and National Executive.

5. Senior Vice-President:

The Senior Vice-President shall assist the National President in the conduct of meetings and shall preside in the absence of the National President, and shall carry out such other duties as shall be determined from time to time by the National Conference or the National Executive.

6. Vice-President/s:

The Vice-Presidents shall assist the National President/s or Senior Vice-President/s in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

They shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

7. Members of National Executive and Delegates to National Conference:

Members of National Executive and delegates to National Conference shall attend meetings of those bodies when summoned so to do.

8. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

Provided that each Division/Divisional Branch is responsible to meet all costs associated with the operation of its Division/Divisional Branch, including all costs associated with the attendance and

participation by their representatives at meetings, including National Conference, National Executive Committee unless decided otherwise by the National Executive Committee.

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. No funds shall be drawn from the Bank or financial institution except by cheque signed by two persons who are a National Secretary, National Assistant Secretary, National President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President or National Assistant Secretary. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

The Auditor shall, in the report, draw attention of the National Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Union.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the National Secretary of a petition, signed by not less than 5% of the members of the Union, requesting that a general meeting of members of the Union be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the National Office, the National Secretary shall convene such meeting as soon as is practicable.

25 - ALTERATION OF RULES

(a) The rules of the Union, or any of them, may be altered, rescinded, varied or made by the National Conference and/or National Executive. Proposals for alterations of rules may be forwarded by Divisions, Branches or any member of the National Executive or delegate to the National Conference and shall be forwarded to members and/or delegates with the notice calling the National Conference or National Executive, as the case may be, or so soon thereafter as is practicable. Provided that National Conference or National Executive may, in session, alter rules of which previous notice has not been given.

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telegraphic, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Industrial Relations Act (Commonwealth) or the regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the Industrial Relations Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

These National Rules and all the rules of the Union, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisions, Branches, and Divisional Branches and all sections of the Union and on all members who now, or who may hereafter, belong to the Union until they are made or become null and void according to the law.

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each division shall have autonomy in relation to its funds and property.

(iv) Each Division shall have rules and have power to make, alter or rescind such rules, to be called Divisional Rules. Without limiting the generality of the foregoing paragraph, each Division shall have power to determine policy for that Division, not inconsistent with the rules and policy of the Union as decided by National Conference or National Executive.

(v) If there is any environmental matter that directly affects the employment of members of one Division only, then that Division whose members are so affected shall have the power to determine the policy of the Union on that matter.

(vi) Divisions shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland, New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.202 of the Industrial Relations Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of state unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or National Assistant Secretary or any person authorised by a National Secretary or National President or National Assistant Secretary so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary or any person authorised by a Divisional Secretary or Divisional Assistant Secretary may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, Divisional Secretary or Divisional Assistant Secretary, or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests

issued by a Divisional Secretary or Divisional Assistant Secretary or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National Assistant Secretary, National President, Divisional Secretary and/or Divisional Assistant Secretary shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 361 Kent Street, Sydney in the State of New South Wales, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

Where a Division ceases to exist and the Union continues, the property of that defunct Division shall be vested in the Division to which the members of the defunct Division are allocated.

Where the Union is dissolved the property of the Union shall be vested in the trustees of each existing Division at the time of dissolution for the benefit of the members thereof on the basis that each such Division will continue to hold its own property and funds and any property or funds not vested at the time of dissolution in a Division shall be divided between the existing Divisions on a basis proportionate to the membership of each such Division.

35 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members may be sued for in the name of the Union by the National Secretary or by the Divisional Secretary, or Divisional Branch Secretary to which the member is attached, or by any other person or body

authorised by the rules of the Union including the rules of any Divisional Branch or the Rules of any Division.

36 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy shall be decided by a majority of the National Conference or National Executive and shall not exceed $50.00 and when so decided shall be binding on all members or sections of members as National Conference or National Executive may decide.

(iii) A Division or Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

(a) If the National Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a rule, to a vote of National Conference or National Executive at any time when it is inconvenient to call National Executive or National Conference together, the National Secretary may submit a resolution dealing with the matter to the delegates or members, by letter, facsimile, telegram, telephone, email, in writing, by computer link and/or by any other means of communication.

(b) A copy of such resolution shall, as soon as practicable thereafter, be sent to each Branch Secretary and each Divisional Secretary. The votes on such resolution shall be returnable to the National Secretary at such time as the National Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.

(c) Provided that where no record can be kept of the vote and/or decision, such a record shall be created and a copy of that record sent to each person entitled to vote or, in the case of computer linkages, the record is such that it can be viewed and/or copied by the person entitled to vote.

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

1. All motions shall be of an affirmative character and must be moved and seconded by delegates or members. Such motions become the property of Conference or Executive and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates or members present agree to an extension of time.

2. Unless a delegate or member rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

3. A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

4. A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

5. Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

6. All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chairperson's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

   If the votes are equal the question is resolved in the negative.

7. A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates or members present agree to an extension of time.

8. Right of Speaker: Any delegate desiring to speak shall rise and address the chairperson. If two or more delegates or members rise at the same time the chairperson shall call upon the one who, in the Chairperson's opinion, first rose. Provided that no delegates or members can speak more than once upon any question (which shall include the original motion and all amendments thereto) before Conference or Executive, except -

   (a) In reply as the mover of the original motion.
   (b) In explanation or correction of some matter during the debate.
   (c) Upon a point of order raised during the debate.
   (d) Upon a resolution being carried "that the delegate now be heard".

9. A delegate or member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by that delegate or member.

10. No more than two delegates or members shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

11. Any delegate or member speaking shall at once resume their seat -

(a) If the chairperson rises to speak; or
(b) If a point of order is raised.

and shall not resume their speech until the point of order is decided.

12. No delegate or member may speak to any question after it has been put by the chairman or during the taking of the vote.

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of Conference.

CHAIRPERSON'S RULINGS

The chairperson's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by Conference or Executive. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the delegates or members present for Conference or Executive to suspend the order of business.

SITTING AS A COMMITTEE

Conference or Executive may at any time, by a resolution agreed to by a majority of delegates or members present, resolve itself into a committee of the whole. The rules governing the business of Conference or Executive shall be observed when in Committee.

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

The National Executive, the State Executive, a Divisional Executive or a Divisional Branch Management/Executive Committee may, in their absolute discretion, summon meetings of members over which they have authority and/or responsibility from time to time.

If such meeting is called notice shall be given in a union journal circulating in the area covering the members to which the meeting relates or in a mass circulation daily newspaper circulating in the area in which the meeting is to be held and such publication shall be issued at least fourteen days before the date of the meeting. The notice of such meeting shall specify the day, the date, the time and the place of such meeting.

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the Industrial Relations Act 1988, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, telex, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee, following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted

(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are

from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) deleted

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be

deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - Divisional Restructuring (FEDFA)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps which steps may deal with one Division at a time, Divisional Branches within a Division and/or the Divisional Office of any particular Division.

2. In relation to the above, the FEDFA Division shall be restructured in steps which shall involve:

(a) The abolition of full-time Divisional Officers at a national level and the allocation of responsibility for the FEDFA Division between the Building Unions Division and the UMW Division;

(b) The allocation of full-time Divisional Officers of the FEDFA Division to the Building Unions Division and the UMW Division;

(c) The continued operation of the Divisional Branches of the FEDFA Division with the intent, over time, of the restructuring of said Divisional Branches in accordance with Rule 42, into the Building Unions/Construction and General Division, UMW/Mining & Energy Division and the ATAIU/Forestry Division;

(d) The payment of capitation fees by FEDFA Divisional Branches to a designated fund which shall be administered by the Divisional Secretary of the FEDFA Division or, if or when that Office is abolished by the former Divisional Secretary and the Divisional Secretaries of the Building Unions and/or Construction and General Division and the UMW and/or Mining and Energy Division.

(e) The continued meeting of the Division Executive of the FEDFA Division for so long as is necessary before the complete restructuring of the FEDFA Division is effected in accordance with Rule 42.

3. On and from 27 September 1993, in accordance with the above procedure, the current Divisional Secretary of the FEDFA Division shall be and become the Divisional President of the Building Unions Division and the current Divisional Assistant Secretary of the FEDFA Division shall be and become a Divisional General Vice-President of the UMW Division and upon translation in accordance with Rule 42 (iii), shall hold the corresponding offices in the Construction and General Division and the Mining & Energy Division respectively.

4. The current Divisional Secretary and Divisional Assistant Secretary of the FEDFA Division shall continue to hold those positions in the FEDFA Division on an honorary basis until such time as the FEDFA Division no longer meets on a national basis.

5. This Rule shall come into force after its adoption by the National Executive and agreement thereto by the FEDFA Divisional Executive, UMW Divisional Executive and Building Unions Divisional Executive and thereupon shall be registered with the Australian Industrial Registry and shall take effect upon registration, or 27 September 1993, whichever is the later.

6. Further to the above provisions, and notwithstanding any other rule of the Union to the contrary, during the process of restructuring, any Divisional Branch of the FEDFA Division may reach agreement with any or all of the UMW Division/Mining & Energy Division and/or the Building Unions Division/Construction and General Division and/or the Forestry Division or the relevant Divisional Branches thereof to transfer members and officers of the FEDFA Division to any and/or all of the other aforementioned Divisions. Such agreement shall be reached with the approval of the Management Committee or its equivalent in each Divisional Branch and the officers concerned. Any such Divisional Branch may reach agreement on some or all of the matters relating to such transfer and, failing agreement on any or all of such matters, refer the matters by agreement to the National Executive for decision. Until such time as there no longer exists an FEDFA Division in accordance with the Rules of the Union, all such officers transferred shall, notwithstanding the holding of positions in other Divisions, continue to hold the office or position in the FEDFA Division on an honorary basis and shall, to the extent that the Rules require same, continue to perform the functions associated with that office in relation to the FEDFA Division. All agreements in relation to the transfer of members and officers shall be notified to the National Executive Committee and attached to the Minutes thereof. Such agreements shall have force and effect in accordance with the terms thereof and from the date of effect of that agreement as specified in that agreement, or failing any specification thereof, on the date of the agreement.

7. The following table shows the restructuring of the FEDFA Division, merging with the appropriate Union Division to create Industry Divsions:

	(	merged with	)
STATE	CONSTRUCTION AND GENERAL	MINING AND ENERGY	FORESTRY
National Office	27 Sept 1993	27 Sept 1993	
Queensland	4 Feb 1994	1 Jan 1993	
New South Wales		Northern 2/4/93 Southern 1/7/93 Western 8/4/93 Energy 21/7/93	
Tasmania	31 July 1996	24 August 1996	1 Jan 1994
Sth Aust	1 Aug 1993	1 Aug 1993	
West Aust	1 Sept 1993	1 Sept 1993	
Victoria	1 Aug 2003	2 Jan 2001	
Barrier		1 July 1996	

42B - Merger with ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DIVISIONAL RESTRUCTURING (FFTS)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps, such steps may deal with one Division at a time and/or Divisional Branches within a restructured Division at a time.

2. In relation to the above, the FFTS Division shall on and from the 11th February 2002, be restructured in the first instance into the Forestry Division to form “The Forestry, Furnishing, Building Products and Manufacturing Division” (FFPD) which shall result in:

   (a) The abolition of full-time FFTS Divisional Officers at a national level and the allocation of responsibility for the FFTS Division to the restructured Division.

   (b) The allocation of Divisional/Branch Office Holders of the FFTS Division to the Office Holders positions of the restructured Division.

   (c) The continued operation of the Victorian and Queensland Divisional Branches of the FFTS Division within the restructured Division of up to four years beyond the expiration of the eight years referred to in sub-rule 42(xii). This sub-rule shall not otherwise affect the operation of sub-rule 42(xii). For the avoidance of doubt, the four years referred to in this sub-rule shall expire on 26 March 2005.

3. Further to the above provisions and notwithstanding any other rule of the Union to the contrary, the FFTS Victorian Branch shall unless otherwise agreed by the FFTS Victorian Branch Management Committee maintain its current structure and existence within the restructured Division up until 26 March 2005.

4. Prior to the 26 March 2005, the FFPD (which shall include representatives of the former FFTS Division) and the Construction & General Division (which shall include representatives from the National Office and all interested Branches) will meet under the chairpersonship of the National Secretary of the CFMEU to reach agreement to finalise translation/integration provisions intended by the respective Schemes of Amalgamation and the Rules of the Union in respect to the Forestry, FFTS and C&G Divisions.

5. Should agreement not be reached between the Divisions the matter shall be referred to the CFMEU National Executive to determine in accordance with the Schemes of Amalgamation and Rules of the Union.

6. Until the elections scheduled to be held in August 2004 the FFPD shall be constituted and represented as follows:-

(a) Divisional Conference shall consist of:-

(i) Forestry Division Representatives

Trevor Smith	SA	Jane Calvert	VIC
Paul Martinella	SA	Andy Laing	VIC
Mark Nicholls	SA	Ian Mullen	VIC
Brenton Lockwood	SA	Michael O'Connor	VIC
Scott McLean	TAS	Brad Platschinda	VIC
Colin Butler	TAS	Bevan Anderson	NSW
Gary Jaeschke	WA	Bruce CampbellNSW	
Christopher Northover	P&P	Craig Smith	NSW
Phillip Illidge	P&P	Eileen Anderson	NSW
Alex Millar	P&P	Kenneth Miller	NSW
Debbie Brennan	P&P		

(ii) FFTS Division Representation

Jim Emery	SA	Leo Skourdoumbis	VIC
David Kirner	SA	Frank Vari	VIC
Brad Parker	NSW	Joe Patti	VIC
Greg Williams	QLD	Cliff Palmer	VIC
John O'Brien	VIC	Alwin Seneviratne	VIC

(iii) Representation

Representation of the Forestry and FFTS Division Branches shall be in accordance with Rule 8 of the Forestry Division Rules.

(b) Divisional Executive shall consist of:-

(i)

Jane Calvert	Divisional President
Phillip Illidge	Divisional Snr V/President
Brad Parker	Divisional V/President
Craig Smith	Divisional V/President
Trevor Smith	Divisional Secretary
Chris Northover	Divisional Snr Assistant Secretary (Honorary)
Michael O'Connor	Divisional Assistant Secretary
Leo Skourdoumbis	Divisional Assistant Secretary (Honorary)

Kenneth Miller	Divisional Trustee
Dave Kirner	Divisional Trustee
Frank Vari	Divisional Trustee
Scott McLean	Divisional Trustee
Paul Martinella	Divisional Executive Member
Greg Williams	Divisional Executive Member
Gary Jaeschke	Divisional Executive Member

(c) FFPD NSW Branch Executive/Committee of Management

Brad Parker	Joint President (full-time)
Bevan Anderson	Joint President (Honorary)
Bruce CampbellSnr V/President	
Jayne Willet	Jnr V/President (AA)
Tom Abramovic	Jnr V/President
Craig Smith	Secretary
Sala Taalilil	Trustee
Eileen Anderson	Trustee (AA)
Peter Reilly	Trustee
Ronnie Watson	Trustee
Kenneth Miller	Trustee
Alan Lanyon	Committee Member
Barry Barrakett	Committee Member
Cheryl Hampton	Committee Member
Kerry Hickey	Committee Member
Mark Thompson	Committee Member
Michael Schuppan	Committee Member
Peter StClair	Committee Member
Anthony Ovington	Committee Member

(2 Vacant COM positions to be filled by FFTS)

(d) (a) FFPD VIC FFTS Branch Executive/Committee of Management

Joe Patti	President
Cliff Palmer	V/President
John O'Brien	V/President
Leo Skourdoumbis	Secretary
Frank Vari	Assistant Secretary
Michael Doran	Trustee
Ernie Landolt	Trustee
Les Ford	Trustee
Florencio P Carrion	Committee Member
Eric Maher	Committee Member
Jeffery Connor	Committee Member
Brenda Crawford	Committee Member
Penny Lintzos	Committee Member
James Maine	Committee Member
Alwin Seneviratne	Committee Member
Greg Wheeler	Committee Member
Chris Christou	Committee Member
Damian Cooke	Committee Member
Ian Morris	Committee Member

(b) FFPD VIC Forestry Branch Executive/Committee of Management

Andy Laing	President
Ian Mullen	Snr V/President
Andrew Wareham	V/President
Kim Mason	V/President (AA)

Jane Calvert	Secretary
Yorick Piper	Assistant Secretary
Kevin Wyley	Trustee
Clare Burford	Trustee (AA)
Ken Tonkin	Trustee
Mark Nelson	Trustee
Ricky Owens	Committee Member
Bob Salmnon	Committee Member
Wayne Smith	Committee Member
Neil Saunders	Committee Member
David Sheppard	Committee Member
Sunsera Verhoven	Committee Member
Anthony Jones	Committee Member
Duncan Ingram	Committee Member
Graeme Howe	Committee Member

(1 vacant COM AA position to be filled)

(e) FFPD Pulp & Paper Branch Executive/Committee of Management

Phillip Illidge	President
Robert Johnston	Snr V/President
Alex Millar	Jnr V/President
Chris Northover	Secretary/Treasurer
Grant Keys	Trustee
Chris Northover	Trustee
Alex Millar	Trustee
Geoff Gasperotti	Committee Member
Wayne Hardy	Committee Member
Andrew Ball	Committee Member
Greg Stewart	Committee Member
David Jessup	Committee Member
Mervyn Donoghue	Committee Member
Tom Blacka	Committee Member
Craig Waters	Committee Member
Ken Fraser	Committee Member
William Davey	Committee Member
Greg Godde	Committee Member
Trevor Sinclair	Committee Member
Marne Gurney	Committee Member

(f) FFPD SA Branch Executive & Committee of Management

Jim Emery	President
Mark Nicholls	Snr V/President
Tony Howlett	V/President
Maree Gale	V/President
Paul Martinella	Secretary
David Kirner	Assistant Secretary
Steve Crafter	Trustee
Tom Kenny	Trustee
Ross Bennetta	Trustee
Leonie Kiploks	Trustee (AA)
Karen Cory	Committee Member
Mark Vickers	Committee Member
Peter Nelson	Committee Member
Greg Muhovics	Committee Member
Andrew Sampson	Committee Member
Kym Isaacson	Committee Member
Peter Starr	Committee Member

Bill Burns	Committee Member
Bernie Maguire	Committee Member
Laurie Barbary	Committee Member

(1 Vacant COM AA position to be filled by FFTS)

(g) FFPD TAS Branch Executive & Committee of Management

Colin Butler	President
Angela Lord	Snr V/President
Narrelle Bassett	V/President (AA)
Anthony Clay	V/President
Scott McLean	Secretary
Shiralee Gillespie	Trustee (AA)
Ronald Brown	Trustee
Leanne Hardy	Trustee (AA)
Lindsay Hills	Trustee
Robert Bowden	Committee Member
Paul Worker	Committee Member
Peter Mason	Committee Member
Margaret Watson	Committee Member
Kylie Dundas	Committee Member
Joseph Kelly	Committee Member
Anthony Barnes	Committee Member
Adrian Littlejohn	Committee Member

(h) FFPD QLD Branch Executive/Committee of Management

Ursula Korableff	President
Desmond Flanagan	V/President
Stephan Williams	V/President
Greg Williams	Secretary
Rodney Black	Committee Member
Vincent Breen	Committee Member
John Forrest	Committee Member

(i) FFPD WA Branch Executive/Committee of Management

John Rudge	President
Vincent Preedy	Snr V/President
Douglas Ashcroft	V/President
Gary Jaeschke	Secretary (Honorary)
John Cleary	Trustee
Garry Rampling	Trustee

7. This rule shall come into force on and from 11 February 2002 in accordance with the unanimous decision of the National Executive and shall be registered with the Australian Industrial Registry.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State or

Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS

(i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

Nothing in this Rule prevents the Branch from entering into an agreement with a Trade or Industrial Union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or on a basis on which the funds are held in common or jointly so long as the funds are treated, for all purposes, insofar as they relate to members of the Branch, as funds of the Branch.

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

The Auditor shall, in the aforesaid report, draw attention of the State Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Branch.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made pursuant thereto.

Upon receipt by the State Branch Secretary of a petition, signed by not less than 5% of the members of the State Branch, requesting that a general meeting of members of the State Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the State Branch, the State Branch Secretary shall convene such meeting as soon as is practicable.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

SCHEDULE OF OFFICERS REFERRED TO IN RULE 42 (xiv) (a)

POSITION	PERSON TO HOLD POSITION
NATIONAL UNION	
** Joint National Secretary	Stanley Sharkey
** Joint National Secretary	Vic Fitzgerald
** Joint National President	John Maitland
** Joint National President	Trevor Smith
** National Assistant Secretary	John Sutton
** National Senior Vice President	Lou Kyriacou
* National Senior Vice President	Albert Littler
National Senior Vice President	Bill Ethell
Joint National Vice President	Christopher Northover
Joint National Vice President	Kenneth Hawkins
Joint National Vice President	Malcolm McDonald
Joint National Vice President	Thomas Burke
* FEDFA Divisional Assistant Secretary	Tony Maher
* BWIU/Plasterers Divisional Assistant Secretary	Lindsay Fraser
* ATAIU Divisional Assistant Secretary	Chris Northover
* UMW Divisional General Secretary	Eric A Wilks
* UMW Divisional Vice President	Kenneth Hawkins

NATIONAL EXECUTIVE COMMITTEE shall consist of the six (6) principal officers (marked **) plus the other full-time Divisional Officers of each Division (marked *).

NATIONAL EXECUTIVE shall consist of the persons who constitute the National Executive Committee set out above and the Divisional Branch Secretary of each Divisional Branch of each Division set out herein and shall, in accordance with Rule 42 (viii) (a) include the National President and National Secretary of the former OPPWF. This body shall also include the Divisional Branch Secretaries from Victoria, New South Wales, South Australia and Queensland of the FFTS Union Division.

It also includes the South Australian, Victoria and Queensland Branch Secretaries and the NSW Branch Assistant Secretary of the former OPDU.

NATIONAL CONFERENCE shall consist of the persons listed as the members of the four (4) divisional executives set out herein until 2 January 1997, the following shall also be a delegate,

T. Richardson - Secretary of former OPPWF, Queensland Branch.

The National Conference shall also include the persons (as set out herein) comprising the Federal Executive of the FFTS Union Division while that Union Division remains autonomous.

BRANCHES OF THE UNION

NEW SOUTH WALES BRANCH

New South Wales State Officers

Joint NSW State Secretary	Dennis Matthews
Joint NSW State Secretary	Ian Peel
Joint NSW State President	Gavin Hillier
Joint NSW State President	Michael Watson
Joint NSW State Assistant Secretary	Andrew Ferguson
Joint NSW State Assistant Secretary	Alf Rankin
Joint NSW State Senior Vice President	Thomas Burke
Joint NSW State Senior Vice President	Peter McClelland
Joint NSW State Senior Vice President	Edward Curran
Joint NSW State Senior Vice President	Sid Wales
Joint NSW State Vice President	Bevan Anderson
Joint NSW State Vice President	Howard Fisher
Joint NSW State Vice President	Mick Smith
Joint NSW State Vice President	Gary McArthur

New South Wales State Executive

Shall consist of the abovenamed persons being the NSW State Officers together with the persons who are the full-time Divisional Branch officers, other than organisers, of each Divisional Branch, being,

ATAIU NSW Divisional State Assistant Secretary, Joyce Tuckwell
FEDFA NSW Divisional State Assistant Secretary, Scott Gartrell
FFTS NSW Union Divisional State Assistant Secretary, Rex Smith

New South Wales State Conference

Shall consist of the persons who constitute NSW State Executive as listed above (i.e. including NSW State Officers) and the persons being the other members of ATAIU NSW Divisional Branch Management Committee and the Building Unions NSW Divisional Branch Management Committee and the UMW Divisional Branch Management Committee, and the FEDFA NSW Divisional Branch Management Committee and the FFTS Union Division NSW Branch Management Committee listed herein.

VICTORIAN BRANCH

Victorian State Officers

Joint Vic State Secretary	John Van Camp
Joint Vic State Secretary	Vince Raffa
Joint Vic State President	Barry King
Joint Vic State President	Lou Kyriacou
Joint Vic State Assistant Secretary	Martin Kingham
Joint Vic State Assistant Secretary	Vacant

Vic State Senior Vice President	Frank O'Grady
Joint Vic State Vice President	Vilma Stargatt
Joint Vic State Vice President	Malcolm McDonald
Joint Vic State Vice President	Alex Findlay
Joint Vic State Vice President	Vacant

Victorian State Executive

Shall consist of the abovenamed persons being the Victorian Divisional Officers, Building Unions Victorian Divisional State Assistant Secretary and the FEDFA Victorian Divisional State Assistant Secretary plus FFTS Union Division Victorian Divisional Branch Senior Organiser.

Victorian State Conference

Shall consist of the persons who constitute the persons being the other members of the ATAIU Victorian Divisional Branch Management Committee, the BWIU Victorian Divisional Branch Management Committee and the FEDFA Victorian Branch Management Committee and the FFTS Union Division Victorian Divisional Branch Management Committee listed herein.

SOUTH AUSTRALIAN BRANCH

South Australian State Officers

SA State Secretary	Ben Carslake
SA State President	Quentin Cook
Joint SA Senior State Vice President	A. Johnson
Joint SA Senior State Vice President	D. Frater
Joint SA State Vice President	A. Young
Joint SA State Vice President	G. Bull
Joint SA State Vice President	D. Stapleton
Joint SA State Assistant Secretary	Terry Carrol
Joint SA State Assistant Secretary	Geoff Day
Joint SA State Assistant Secretary	J. McGirr

South Australian State Executive

Shall consist of the abovenamed persons being South Australian State Officers and

ATAIU SA Divisional Branch Assistant Secretary
FFTS SA Divisional Branch Assistant Secretary

South Australian State Conference

Shall consist of the persons who constitute South Australian State Executive set out above and the persons being the other members of the ATAIU South Australian Divisional Branch Management Committee, the Building Unions South Australian Divisional Branch Management Committee the FFTS Union Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee listed herein.

TASMANIAN BRANCH

Tasmanian State Officers

Joint Tas State Secretary	Max Cordwell
Joint Tas State Secretary	Mike Grey
Joint Tas State President	Shayne Murphy
Joint Tas State President	Leonard Miles
Tas State Senior Vice President	Stephen Hevey
Joint Tas State Vice President	J. Gill

Joint Tas State Vice President	Colin Butler
Joint Tas State Vice President	M. Collins
Joint Tas State Vice President	David Bean
Joint Tas State Vice President	Barry Bishop
Joint Tas State Vice President	Ray Carroll
Tas State Assistant Secretary	

Tasmanian State Executive

Shall consist of the Full Time Tasmanian State Officers.

Tasmanian State Conference

Shall consist of the persons listed as the Tasmanian State Executive set out above and, the other persons being the persons listed as members of the ATAIU Tasmanian Divisional Branch Management Committee, UMW Tasmanian Divisional Branch Management Committee, the Building Unions Tasmanian Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee and the FFTS Union Division Tasmanian Branch Management Committee listed herein.

AUSTRALIAN CAPITAL TERRITORY BRANCH

ACT State Officers

ACT State Secretary	George Wason
ACT State President	Rod Driver
Joint ACT State Vice President	Kate Lundy
Joint ACT State Vice President	J. McHugh
Joint ACT State Assistant Secretary	Trevor Zeltner
Joint ACT State Assistant Secretary	Stan Hambesis

ACT State Executive

Shall consist of the abovenamed persons listed as ACT State Officers.

ACT State Conference

Shall consist of those persons listed above as being the ACT State Executive and the other persons listed herein as members of the Building Unions ACT Divisional Branch Management Committee.

WESTERN AUSTRALIAN BRANCH

Western Australian State Officers

WA State Secretary	Bill Ethell
Joint WA State President	John Borlini
Joint WA State President	Alex A'Vard
Joint WA State Vice President	Gary Wood
Joint WA State Vice President	A. Baxter
Joint WA State Vice President	Ron Kielty
Joint WA State Vice President	A. Cook
Joint WA State Vice President	K. Reynolds
Joint WA State Assistant Secretary	Rick Todd
Joint WA State Assistant Secretary	Dave McIntyre

WA State Executive

Shall consist of the abovenamed persons listed as WA State Officers.

WA State Conference

Shall consist of those persons listed above as being the WA State Executive and the persons listed herein as members of the both Building Unions Divisional Branches' Management Committees, the members of the UMW WA District Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee.

QUEENSLAND BRANCH

Queensland State Officers

Joint Qld State Secretary	William Trohear
Joint Qld State Secretary	Greg Betts
Joint Qld State President	Andrew Vickers
Joint Qld State President	Peter Stone
Joint Qld State President	Des Holloway
Joint Qld State Senior Vice President	V. Robinson
Joint Qld State Vice President	B. Rushan
Joint Qld State Vice President	Kevin Anderson
Joint Qld State Vice President	Peter Neilson
Joint Qld State Assistant Secretary	Mark Hickey
Joint Qld State Assistant Secretary	Geoff Wilson
Joint Qld State Assistant Secretary	P. Waters

Queensland State Executive

Shall consist of the abovenamed persons listed as Queensland State Officers plus an additional person being the FFTS Union Division Qld Branch Assistant Secretary.

Queensland State Conference

Shall consist of those persons listed above as being the Queensland State Executive and the persons listed herein as members of the Building Unions Queensland Divisional Branch Management Committee, the members of the UMW Divisional Branch Management Committee and the members of the FEDFA Divisional Branch Management Committee and members of the FFTS Union Division Qld Divisional Branch Management Committee.

BUILDING UNIONS DIVISION

DIVISIONAL OFFICERS

Joint Divisional President	A. Littler
Joint Divisional President	B. Ethell
Divisional Secretary	S. Sharkey
Joint Divisional Assistant Secretary	J. Sutton
Joint Divisional Assistant Secretary	L. Fraser
Joint Divisional Senior Vice President	D. McDonald
Joint Divisional Senior Vice President	J. McGirr
Joint Divisional Vice President	C. Bates
Joint Divisional Vice President	M. Bingham
Joint Divisional Vice President	T. Burke

BUILDING UNIONS DIVISIONAL EXECUTIVE

The Divisional Officers of Building Unions Division as set out above, and

W. Trohear	Queensland
M. Cordwell	Tasmania
B. Carslake	South Australia

V. Raffa	Victoria
D. Cafferty	Victoria
G. Wason	Australian Capital Territory
D. Matthews	New South Wales
A. Rankin	New South Wales
B. Ethell	Western Australia
T. Carroll	Plasterers
K. Reynolds	WA Plasterers

BUILDING UNIONS DIVISIONAL CONFERENCE

The Divisional Officers of Building Unions Division and the Divisional Executive as set out above, and the following delegates from Building Unions Divisional Branches:

A. Ferguson	(NSW)	A. Wigchert	(QLD)
P. Grainger	(NSW)	M. Hickey	(QLD)
J. Briggs	(NSW)	T. Richardson	(QLD)
T. Morrison	(NSW)		
T. Mawdsley	(NSW)	F. O'Grady	(VIC)
J. Taylor	(NSW)	R. Williams	(VIC)
I. Smith	(NSW)	M. Kingham	(VIC)
B. Woodham	(NSW)	J. Saddington	(VIC)
T. McDonald	(NSW)		
E. Boatswain	(NSW)	R. Todd	(WA)

- together with the OPDU Federal Council as at the date of amalgamation.

BUILDING UNIONS DIVISIONAL TRUSTEES

W. Trohear	(QLD)
R. Driver	(ACT)

BUILDING UNIONS NSW DIVISIONAL BRANCH

Divisional State President	P. McClelland
Divisional State Secretary	D. Matthews
Joint Divisional State Assistant Secretary	A. Ferguson
Joint Divisional State Assistant Secretary	T. Burke
Joint Divisional State Assistant Secretary	A. Rankin
Divisional State Vice President	G. McArthur

BUILDING UNIONS NSW DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners
T. Morrison
J. Pineiro
I. Smith
L. Strutzenberger
M. Barrios

Bridge & Wharf
A. Melnikoff

Tilelayer
L. Quill

Bricklayers
H.D. Eisenhammer
A. Baxter

Builders Labourers
J. Ashdown
P. Balcombe
I. Gavin
S. Green

Stonemason
S. Cafarella

Slater & Tiler
M. Murphy

Plasterer
C. Howarth

Painters
J. Anning
J. Foster
J. Hoddle

BUILDING UNIONS NSW DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and -

Sydney Zone

Sydney Carpenters & Joiners
H. Brazao
P. Bristow
T. Connolly
P. Eggers
E. Elder
G. Kelly
F. Malis
P. Leyden
A. Zdrilic

Sydney Bricklayers
V. Catania
J. Taylor
M. McAliney

Sydney Builders Labourers
B. Granata
E. Harbidge
G. Sheen
D. Stean
J. McGee
S. Whetter

Country Zone

Country Carpenters & Joiners
L. Allen
R. Wills

Country Bricklayer
D. Atkinson

Country Builders Labourer
W. Shipman

Bridge & Wharf
C. Ford

Tilelayers
L. Quill

Slaters & Tilers
M. French

Stonemasons
J. Robinson

Plasterer
K. Andrews

Newcastle Zone

Newcastle Carpenters & Joiners
J. Allen
P. Cuskelly

Newcastle Bricklayer
L. Deeks

Newcastle Builders Labourer
E. Purins

Wollongong Zone

Wollongong Carpenters & Joiners
T. Gray
G. Karry

Wollongong Bricklayer
W. Hall

Wollongong Builders Labourer
M. Ward

BUILDING UNIONS NSW DIVISIONAL BRANCH TRUSTEES

T. Morrison
L. Strutzenberger
S. Green
J. Anning

BUILDING UNIONS NSW DIVISIONAL BRANCH ORGANISERS

B. Miller
P. Grainger
W. Baker
J. Briggs
B. Cochrane
N. Fodor
J. Higgins
J. Curruthers
J. Prentice
J. McKee
T. Hunt
M. Lawler
P. Zaboyak
M. Lynch
S. Manna
T. Mawdsley
D. Sullivan
C. Bates
J. Adams
J. McGahan
B. Beasley

Newcastle: R. Jarman

BUILDING UNIONS NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

T. McDonald
S. Sharkey
D. McDonald
J. Briggs
I. Smith
P. Grainger
J. Taylor
J. Sutton
T. Burke
E. Boatswain
D. Matthews
L. Fraser
C. Bates
A. Ferguson
T. Morrison
T. Mawdsley
B. Woodham

BUILDING UNIONS QLD DIVISIONAL BRANCH

Divisional State President — P. Stone
Divisional State Secretary — W.W. Trohear
Divisional State Assistant Secretary — M. Hickey
Divisional State Assistant Secretary — P. Waters
Divisional State Vice President — K. Anderson
Divisional State Vice President — B. Rushan

BUILDING UNIONS QLD DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

B. Tucker
P. Stone
T. Richardson
R. Bostock
K. Marcus
K. Anderson
B. Hopton
K. Bull
R. Vanderhorst
A. Pountey
F. Pearson
J. Gruer
G. Federer
B. Hall
G. Horn
B. McGill
M. Edwards

BUILDING UNIONS QLD DIVISIONAL BRANCH TRUSTEES

P. Stone

T. Richardson
R. Bostock
R. Vanderhorst

BUILDING UNIONS QLD DIVISIONAL BRANCH ORGANISERS

W. Perrett
D. Kersey
T. Richardson
K. Murphy
K. Carroll
G. Howcroft
A. Wigchert

BUILDING UNIONS QLD DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. Trohear
A. Wigchert
M. Hickey
T. Richardson

BUILDING UNIONS WA DIVISIONAL BRANCH

Divisional State President	A. Baxter
Divisional State Secretary	B. Ethell
Divisional State Assistant Secretary	R. Todd

BWIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

N. Houston
P. Alcantara
B. Churchill
B. Freeman
T. Bird
H. Johnson
M. Banks
J. Giles

BWIU WA DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

Perth
G. Curtin
R. Gaskell
C. Knight
B. Waller
A. De Klerk
M. Floud
N. Drayton
A. Hughes
K. Bulloch
J. Fitzgerald

Fremantle/Medina
C. Gorham
A. Phillips
J. Allison
P. Fairbotham
J. Curran

South West
J. McDonell

BWIU WA DIVISIONAL BRANCH ORGANISERS

D. Wildgoose
J. Gallagher

BWIU WA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Ethell
R. Todd

BUILDING UNIONS WA PLASTERERS DIVISIONAL BRANCH

Divisional State President	Mark Hudston
Divisional State Secretary	Kevin Reynolds
Divisional Branch Delegate to National Conference	Kevin Reynolds
Divisional State Vice President	Roy Cox
Divisional Committee of Management	James Hamilton
	Michael Naughton
Divisional Branch Organiser	Robert Manwaring

BUILDING UNIONS TAS DIVISIONAL BRANCH

Divisional State President	Stephen Hevey
Divisional State Secretary	Max Cordwell
Divisional State Assistant Secretary	T. Benson
Joint Divisional State Vice President	Ray Browne
Joint Divisional State Vice President	Ray Carroll
Joint Divisional State Vice President	M. Collins

BUILDING UNIONS TAS DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Adrian Telha	Paul Ridgeway
Roy Smedley	Grant Jackson
Ray Carroll	Gary Taylor
R. Edwards	L. Verrell

BUILDING UNIONS TAS DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

002 Area	003 Area
C. Green	A.J. Smith
A. Currie	L. Edwards
R. Dillon	P. Harris

004 Area

W. Maloney
B. Knowles
R. Doe

BUILDING UNIONS TAS DIVISIONAL BRANCH TRUSTEES

Max Cordwell	Stephen Hevey
Ray Browne	Adrian Telha
R. C. Edwards	A. R. Benson

BUILDING UNIONS TAS DIVISIONAL BRANCH ORGANISERS

Mark Telha
Martin Clifford
Ray Carroll

BUILDING UNIONS TAS DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

M. Cordwell

BUILDING UNIONS VIC DIVISIONAL BRANCH

Divisional State President	F. O'Grady
Divisional State Secretary	V. Raffa
Divisional Branch Assistant Secretaries	M. Kingham M. Bingham
Divisional State Vice President	B. Oliver

BUILDING UNIONS VIC DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners	**Builders Labourers**	**Painters**
R. Williams	T. Sinclair	M. Baird
R. Carter	R. Ryan	M. Garcia
G. Lavery	J. Nicol	K. B. Hughes
D. Van Dam	P. Lennon	P. Boyle
M. Santana	M. Bingham	M. Evans
W. Torpey	M. Ratel	
D. Noonan		
B. Giagnacovo		

Tilelayer	**Stonemason**
Z. Prazac	M. Newham

BUILDING UNIONS VIC DIVISIONAL BRANCH COUNCIL

Carpenters & Joiners	**Builders Labourers**
V. Nicoli	T. Bockting
K. Green	G. Young
D. Black	G. Miles
A. Moore	D. Noonan
W. Oliver	K. Hughes
H. Kotsabis	J. Bruce
D. Jacobson	J. McPartlin
G. Preddy	C. Leatham
D. Shacklock	

Stonemasons	**Tilelayers**
A. Patience	O. Kypta
G. Slack	Z. Prazak

Zone Delegates

Ballarat	Bendigo
V. Broes	T. Coleman

L. Brown
N. Davidson
N. Pyle
L. Worme

Brunswick
M. Kingham
W. McConnel
F. Stradijot

Camberwell
J. Baysinger
R. Bentley
S. Mitchell

Clifton Hill
F. Amarante
R. Collins
S. West

Essendon
D. Deprisco
T. Hancy
V. Raffa

Footscray
P. Leckie
F. Lopez
R. Storey

Geelong
J. Cody
J. O'Mara
B. Roche

Goulburn Valley
C. Craig
A. Kerris
P. O'Flaherty

Latrobe Valley
V. Beaton
M. Smith
A. Nabulsi

Melbourne
R. Carter
M. Santana
G. Tsotsos

Mordialloc
G. Burleigh
I. Nichol
P. Sullivan

Murray Valley
L. Fahey
S. Masterson
J. Salinger

Oakleigh
L. Bacolas
J. Medlyn
B. Smith

Preston
M. Collingburn
R. Lucas
N. Porter

Prahran
B. Giagnacovo
A. Medina
S. Delaney

Richmond
D. Blake
C. Commons
R. Hakainsson

South Western
K. O'Connor
A. Sargent
G. Sullivan

Sunraysia
A. Boldock
D. Costa
M. Dawes

Wimmera
R. Nesibit
G. Scott
A. Patterson

BUILDING UNIONS VIC DIVISIONAL BRANCH TRUSTEES

M. Kingham
B. Oliver
Vacant
M. Bingham
F. O'Grady
M. Baird

BUILDING UNIONS VIC DIVISIONAL BRANCH ORGANISERS

R. Welsh
T. Sinclair
R. Storey
W. Bingham
A. Medina
D. Jacobson
D. Noonan
P. Muldeary
H. Kotsabis
R. Carter
T. O'Kane
D. Riddell
G. Young
M. Kingham
M. Garcia

BUILDING UNIONS VIC DIVISIONAL BRANCH DELEGATES DIVISIONAL CONFERENCE

F. O'Grady
M. Kingham
V. Raffa
R. Williams
J. Saddington
M. Bingham

BUILDING UNIONS SA DIVISIONAL BRANCH

Divisional State President	A. Johnson
Divisional State Secretary	B. Carslake
Divisional State Vice President	G. Millar
Divisional State Vice President	D. Stapleton
Divisional State Assistant Secretary/Treasurer	T. Carroll
Divisional State Assistant Secretary/Treasurer	J. McGirr

BUILDING UNIONS SA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

BWIU	PLASTERERS	PAINTERS
F. Gosden	G. Parrish	George Tilley
T. Karrandjis	R. Watson	Greg Tilley
C. Morton	R. Bennett	Lambden
D. Sellmann	A. Spano	Weir
T. Middleton	S. Kesisoglou	McEwan
		Evans

BUILDING UNIONS SA DIVISIONAL BRANCH ORGANISERS

M. Gnatenko
H. Koemecker
M. Bella

BUILDING UNIONS SA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Carslake

BUILDING UNIONS ACT DIVISIONAL BRANCH

Divisional State President	R. Driver
Divisional State Secretary	G. Wason
Joint Divisional State Assistant Secretary	S. Hambesis

Joint Divisional State Assistant Secretary	T. Zeltner
Divisional State Vice President	K. Lundy
Divisional State Vice President	J. McHugh

BUILDING UNIONS ACT DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Pyner	J. Grey Reitz
A. Dillon	D. Rail
J. Long	G. Roderick
T. Lagoya	L. Lancsar
J. Diamante	B. Larke
G. McGowan-Lay	G. Cleghorn
P. Johnstone	P. Trapani

BUILDING UNIONS ACT DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

D. Thompson	G. Kirkwood
B. Norman	G. Frasin
C. Kaskoutas	W. Thompson
M. Morgan	J. Clyde
T. Gooden	R. Hemsley

BUILDING UNIONS ACT DIVISIONAL BRANCH TRUSTEES

G. Wason	R. Driver
S. Hambesis	K. Lundy
G. McGowan-Lay	

BUILDING UNIONS ACT DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

G. Wason

ATAIU DIVISIONAL BRANCH OFFICE HOLDERS

ATAIU DIVISIONAL OFFICERS

Divisional President	G. Hillier
Divisional Secretary	T. Smith
Divisional Assistant Secretary	C. Northover
Divisional Senior Vice President	S. Murphy
Joint Divisional Vice President	P. Illidge
Joint Divisional Vice President	B. King

ATAIU DIVISIONAL TRUSTEES

J. Tuckwell	Q. Cook
V. Stargatt	

Who form the Divisional Executive, and who with the following form the Divisional Conference

A. Roberg (SA)
C. Butler (TAS)
J. Gallogley (NSW)
M. Schuppan (NSW)
J. Beeson (VIC)
E. Swainston (VIC)
A. Dunlop (Pulp & Paper)
M. St Clair (SA)
B. Anderson (NSW)
J. Quartermaine (NSW)
B. Campbell (NSW)
B. Murpy (VIC)
M. Graham (Pulp & Paper)

ATAIU SA DIVISIONAL BRANCH

ATAIU SA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Young
Divisional Branch Secretary	Q. Cook
Divisional Branch Vice Presidents	M. St Clair
	A. Roberg

ATAIU SA DIVISIONAL BRANCH TRUSTEES

E. Cathro
J. Nicks
P. Martinella

Who form the Executive.

ATAIU SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

L. Barry
L. Kilsby
G. Schultz
B. Lockwood
T. Goodrich
F. Beimans
L. Pelkonen

ATAIU SA DIVISIONAL COUNCIL DELEGATES

M. St Clair
T. Smith
A. Young
Q. Cook

ATAIU NSW DIVISIONAL BRANCH

ATAIU NSW DIVISIONAL BRANCH OFFICERS

Divisional President	B. Anderson
Divisional Secretary	G. Hillier
Divisional Assistant Secretary	J. Tuckwell
Divisional Vice Presidents	G. Sacco
	J. Gallogley

ATAIU NSW DIVISIONAL BRANCH TRUSTEES

S. McDonald
B. Campbell
M. Schuppan

Who are officers and form the Executive.

ATAIU NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

W. Englert
S. Hudson
W. Sentance
C. Brooks
K. Yelverton
J. Quartermain
C. McGowan

ATAIU NSW DIVISIONAL COUNCIL DELEGATES

G. Hillier
J. Gallogley
J. Quartermain
B. Campbell
B. Anderson
S. McDonald
K. Yvelton

ATAIU VIC DIVISIONAL BRANCH

ATAIU VIC DIVISIONAL OFFICERS

Divisional President	V. Stargatt
Divisional Secretary	B. King
Divisional Vice Presidents	V. Iluk
	E. Swainston

ATAIU VIC DIVISIONAL BRANCH TRUSTEES

J. Beeson
B. Murphy
T. Carley

ATAIU VIC DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

J. Browne
P. Love
T. Stinton
S. Wilson
B. Harms
R. Owens
C. Walkear
P. Tait

ATAIU VIC DIVISIONAL COUNCIL DELEGATES

V. Stargatt
J. Beeson
B. Murphy
M. Lynch
E. Swainston

ATAIU TAS DIVISIONAL BRANCH

ATAIU TAS DIVISIONAL BRANCH OFFICERS

Divisional President	C. Butler
Divisional Secretary	S. Murphy
Divisional Vice Presidents	R. Ford
	D. Turriff

ATAIU TAS DIVISIONAL BRANCH TRUSTEES

C. Butler
R. Smith
S. Cahoon

ATAIU TAS DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

M. Barber
R. Foster
D. Harkes
B. Riley
S. Cahoon
R. French
N. Lincoln
R. Smith

ATAIU TAS DIVISIONAL COUNCIL DELEGATES

C. Butler
S. Murphy

ATAIU WA DIVISIONAL BRANCH

ATAIU WA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Cook
Divisional Branch Secretary	A. A'Vard
Divisional Branch Vice President	D. Murie
Divisional Branch Treasurer	R. Taylor

ATAIU WA DIVISIONAL BRANCH TRUSTEES

P. McCarthy
R. Henry
K. Smith

ATAIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

R. J. Smith
R. Reiter
V. McGlinn
G. P. Jaeschke
W. J. Hall
C. Hagelund
K. Cameron
J. Savage
M. Bennett

ATAIU NO. 7 DIVISIONAL BRANCH

ATAIU NO. 7 DIVISIONAL BRANCH OFFICERS

Divisional Branch President	P. Illidge
Divisional Branch Secretary/Treasurer	C. Northover
Divisional Branch Assistant Secretary/Treasurer	M. Graham
Divisional Vice Presidents	A. Dunlop
	R. Johnson

ATAIU NO. 7 DIVISIONAL BRANCH TRUSTEES

C. Northover
M. Graham

ATAIU NO. 7 DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

D. Garlick
T. Mackerell
N. Anderson
N. Allen
M. Donoghue
J. Wright
G. Aston
G. Morley
C. Glaubitz
D. McKay
P. Graham
T. Kelly

W. Hardy	G. Lincoln
G. Draper	T. Dwyer

ATAIU NO. 7 DIVISIONAL COUNCIL DELEGATES

C. Northover	M. Graham
P. Illidge	

ATAIU NOWRA SUB-BRANCH

President	Peter Graham
Senior Vice President	Harry Knowles
Junior Vice President	Tim Cato
Secretary-Treasurer	Mervyn Donoghue
Committee of Management	Rhonda Shelley
	Jim Evans
	Ray Clarke
	Alan Whitton
Delegate to No. 7 Branch	
Committee of Management	Mervyn Donoghue
	Peter Graham

ATAIU BURNIE SUB-BRANCH

President	George Draper
Senior Vice President	Barry Connors
Junior Vice President	Eric Edwards
Secretary-Treasurer	Geoffrey Lincoln
Committee of Management	
Alan Claridge	Graham Wells
Anthony Johnson	Andrew Crawn
Jack Wylie	Russell Norton
Danny Rowlands	Richard Troughton
Noel Stubbs	Rex Berry
Delegate to No. 7 Branch	
Committee of Management	Geoffrey Lincoln
	George Draper

ATAIU PORT HUON SUB-BRANCH

President	Barry Young
Senior Vice President	Colin McMullin
Junior Vice President	Jeff Parsons
Secretary-Treasurer	Wayne Hardy
Committee of Management	
Neville Burgess	Graeme Goaman
David Greatbatch	Ricky Cowen
Delegate to No. 7 Branch	
Committee of Management	Wayne Hardy

ATAIU MYRTLEFORD SUB-BRANCH

President	Vacant
Senior Vice President	Bruce Dale
Junior Vice President	Paul Ryan
Secretary-Treasurer	Trevor Dwyer
Committee of Management	Oliver Evans
	Colin Richardson
	Trevor Davis
	Robert Arnold
	Christopher Stone
Delegate to No. 7 Branch Committee of Management	Trevor Dwyer

ATAIU MARYVALE SUB-BRANCH

President	Neville Anderson
Senior Vice Persident	Charles Glaubitz
Junior Vice President	Cidge Fabris
Secretary/Treasurer	Graeme Morley
Committee of Management	
Steven Gilham	Robert Brown
Vernon Jones	Charles Stuart
Geoffrey Dorling	Brian McNamara
Peter Morris	Steven Mason
Wayne Snell	Vincent Nabel
Delegates to No. 7 Branch Committee of Management	Neville Anderson
	Charles Glaubitz
	Graeme Morley
Delegates Gippsland Trades & Labour Council	Graeme Morley
	Vernon Jones
	Brian McNamara
	Robert Brown

ATAIU SYDNEY SUB-BRANCH

President	Donald McKay
Senior Vice Pesident	Ron McElhinney
Junior Vice President	Edward Pram
Secretary-Treasurer	Philip Illidge
Committee of Management	
William Daly	Les Smith
William Flowers	Anthony De Bono
Harry Marshall	Wayne Trewella
Mark Skennerton	Joseph Bodor
Delegates to No. 7 Branch Committee of Management	Philip Illidge
	Donald McKay

ATAIU BROADFORD SUB-BRANCH

President	Vacant
Senior Vice President	Vacant
Junior Vice President	Vacant
Secretary-Treasurer	Len Allen
Committee of Management	Garry Nesbitt
	Terry Hobson
	Alan Cole
	Craig Waters
Delegate to No. 7 Branch Committee of Management	Len Allen

ATAIU MILLICENT SUB-BRANCH

President	John Wright
Senior Vice Pesident	Trevor Kelly
Junior Vice President	Richard Watts
Secretary-Treasurer	Robert Johnston
Committee of Management	Michael King
	Graeme Richards
	Mavis Kloock
	Graeme Richardson
	Gilbert Mouat
	Helen Walker
Delegates to No. 7 Branch Committee of Management	John Wright
	Trevor Kelly
	Robert Johnston

ATAIU MELBOURNE SUB-BRANCH

President	David Garlick
Senior Vice President	George Ashton
Junior Vice President	Vacant
Secretary-Treasurer	Alexander Dunlop

Committee of Management

William Horton	Stan Mazur
Terry Mackerell	Steve Morris
Tom Donelly	Ian James
Alex Miller	Michael Adamopolous

Delegates to No. 7 Branch Committee of Management	Alexander Dunlop
	David Garlick
	George Aston

Delegates to Victorian Trades Hall Council	Alexander Dunlop William Horton Terry Mackerell Malcolm Graham

UMW DIVISION

In accordance with Rule 42 - Transitional Provisions of the Rules of the Union being the National Rules the officers of the previously existing Mining Division immediately prior to the date of effect of the amalgamation shall be, on and from the date of effect of amalgamation the officers of the UMW Division which is the new name for the previous Mining Division and the only change therein shall be, to the extent necessary, the change in the title of office to reflect the change in the name of the Division from Mining Division to UMW Division.

FEDFA DIVISION

DIVISIONAL OFFICERS

Divisional President	M. McDonald
Divisional Secretary	V. Fitzgerald
Divisional Assistant Secretary	T. Maher

FEDFA DIVISIONAL EXECUTIVE

The Divisional Officers of FEDFA Division as set out above, and

I. Peel	New South Wales
J. Van Camp	Victoria
G. Betts	Queensland
G. Day	South Australia
B. O'Neil	Barrier
M. Grey	Tasmania
D. McIntyre	Western Australia

FEDFA DIVISIONAL CONFERENCE

The Divisional Officers of FEDFA Division and the Divisional Executive as set out above, and the following delegates from FEDFA Divisional Branches:

T. Maher	(NSW)
P. Jordan	(NSW)
B. Neilson	(VIC)
M. Hill	(VIC)
D. Holloway	(QLD)
G. Purtill	(QLD)
L. Wilson	(QLD)
B. Samson	(Barrier)
M. Buckley	(SA)
B. Low	(WA)
R. Harrison	(TAS)

FEDFA NSW DIVISIONAL BRANCH

Divisional Branch President	M. Smith
Divisional Branch Secretary	I. Peel
Divisional Branch Assistant Secretary	S. Gartrell

FEDFA NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above,

FEDFA NSW DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and regional delegates and organisers stated below,

Metropolitan
P. Wormleaton
R. Johnson
B. Francis
D. Whitehead
D. Dunn

Northern Region
N. Rose
M. Sealby
G. Webb
D. Owens
J. Nixon

Southern Region
K. Anderson
B. Barnham
G. Freeman
T. Potter

Western Area
R. Fuller
W. Williams

FEDFA NSW DIVISIONAL BRANCH ORGANISERS

Metropolitian
G. Avouris
T. Grant
S. Cochran

Northern
M. Beehag
S. Harding
L. Sinclair

Riverina
S. King
J. Wilson

Western
G. Childs

Southern
H. Miller

Mining
P. Jordan

Energy
A. Drew

FEDFA NSW DIVISIONAL BRANCH TRUSTEES

D. Dunn
L. Robinson
J. Owens

FEDFA NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

V. Fitzgerald

T. Maher
P. Jordan
I. Peel

FEDFA VICTORIAN DIVISIONAL BRANCH

Divisional Branch President	M. McDonald
Divisional Branch Secretary	J. Van Camp
Divisional Branch Assistant Secretary	M. Greenbury
Divisional Branch Vice President	M. Hill

FEDFA VICTORIAN DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

M. French
D. McDonald
D. Baker
J. Kadziela
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional Officers as set out above, and -

SECV Yallourn
P. Wilson

SECV Morwell
G. Reid

SECV LaTrobe
(vacant)

Country Provisional
W. Fleet
M. French
T. McKenzie
P. Skinner

Metropolitian
D. Baker
J. Kadziela

Organisers Rep.
A. Riley
M. Hallett
D. McDonald
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH ORGANISERS

W. Fleet
M. French
R. Hallett
M. Hill
A. Riley

TRUSTEES

M. McDonald
J. Van Camp

FEDFA VICTORIAN DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

J. Van Camp
M. McDonald
M. Hill
B. Nielson

FEDFA BARRIER DIVISIONAL BRANCH

Divisional Branch President	B. Samson
Divisional Branch Secretary	W. O'Neil
Divisional Branch Vice President	R. Hunter

FEDFA BARRIER DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above,

FEDFA BARRIER DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

D. Brennan	R. Adams
A. Fraser	B. Sayers
E. Snaith	

FEDFA BARRIER DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. O'Neil	B. Samson

TRUSTEES

R. Adams	B. Sayer
E. Snaith	

FEDFA TASMANIAN DIVISIONAL BRANCH

Divisional Branch President	B. Bishop
Divisional Branch Secretary	M. Grey

FEDFA TASMANIAN DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and - D. Dawson

FEDFA TASMANIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

Launceston	**Hobart**
D. Dawson	M. Hyland
Devonport	**Tullah**
(vacant)	T. Jones
Burnie	**Savage River**
L. Britton	R. Harrison
Rosebery/Lyell	**Organisers**
N. Hartnell	D. Moncrieff
	B. Best

FEDFA TASMANIAN DIVISONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

M. Grey R. Harrison

FEDFA WA DIVISONAL BRANCH

Divisional Branch President (vacant)
Divisional Branch Secretary (vacant)

FEDFA WA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

FEDFA WA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

P. Bates I. Douglas
T. Feeney D. Hellyer

FEDFA WA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

B. Low
(vacant)

FEDFA SA DIVISIONAL BRANCH

Divisional Branch President G. Bull
Divisional Branch Secretary G. Day
Divisional Branch Vice President F. Stonys

FEDFA SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Rogers R. Brewer

FEDFA SA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

J. Rodgers K. Maywald
F. Grosso F. Harrison
R. Brewer

ORGANISER

R. Brewer

FEDFA SA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

G. Day
M. Buckley

FEDFA QUEENSLAND DIVISONAL BRANCH

Divisional Branch President	D. Holloway
Divisional Branch Secretary	G. Betts
Divisional Branch Assistant Secretary	G. Wilson

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

S. Douglas	B. Scheuber
C. Swift	R. Coleman
L. Wilson	J. Spencer

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch State Management Committee as set out above, and -

M. Dowvendans	T. Quaid
L. Genrich	N. Rampton
R. Beattie	H. Heumiller
J. Rossington	C. Price
(vacant)	

FEDFA QUEENSLAND DIVISIONAL BRANCH ORGANISERS

D. Bloxsom	H. Heumiller
G. Flack	C. Price
C. Gillespie	T. Rosier
J. Rossington	B. Stacker
R. Tremlin	

FEDFA QUEENSLAND DIVISIONAL BRANCH TRUSTEES

D. Holloway	S. Douglas
G. Betts	L. Wilson

FFTS UNION DIVISION

DIVISIONAL OFFICERS

Divisional President	A. Findlay
Divisional Secretary	L. Kyriacou
Divisional Assistant Secretary	M. Haritou
Divisional Senior Vice-President	S. Wales
Divisional Junior Vice-President	D. Frater

FFTS UNION DIVISIONAL EXECUTIVE

The Divisional Officers of the FFTS Union Division as set out above, and

A. Smith	New South Wales
V. Robinson	Queensland

FFTS UNION DIVISIONAL CONFERENCE

The Divisional Officers of the FFTS Union Division and the Divisional Executive as set out above, and the following delegates from the FFTS Union Divisional Branches;

W. Brown (VIC)
M. Findlay (VIC)
R. Smith (NSW)
R. Groat (SA)
A. Cookson (QLD)
R. Orange (TAS)

FFTS UNION VIC. DIVISIONAL BRANCH

Divisional Branch President	M. Mitten
Divisional Branch Secretary	L. Kyriacou
Divisional Branch Assistant Secretary	A. Findlay
Divisional Branch Senior Vice-President	W. Brown
Divisional Branch Junior Vice-President	C. Avent
Divisional Branch Organiser	M. Haritou
Divisional Branch Organiser	R. Shugg

FFTS UNION VIC. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch Officers as set out above and -

A. Frazer	N. Hazeldine
G. Lee	P. Linzos
J. Maines	J. O'Brien
J. Patti	J. Robins
I. Whitcroft	L. Zanandrea
J. Calvert	

FFTS UNION NSW DIVISIONAL BRANCH

Divisional Branch President	R. Smith
Divisional Branch Secretary	S. Wales
Divisional Branch Assistant Secretary	R. Smith
Divisional Branch Vice-President	J. Callaway
Divisional Branch Organiser	Jack Lawrence

FFTS UNION NSW DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

J. Campbell	R. Davies
K. Campbell	W. Kraan
Robert Cumbo (Trustee)	Harry Irvine (Trustee)

FFTS UNION S.A. DIVISIONAL BRANCH

Divisional Branch President	R. Groat
Divisional Branch Secretary	D. Frater
Divisional Branch Assistant Secretary	S. Rowe
Divisional Branch Senior Vice-President	J. Emery

Divisional Branch Junior Vice-President	A. Reeves
Divisional Branch Organiser	S. Rowe
Divisional Branch Organiser	P. Wong
Divisional Branch Organiser	T. Woods

FFTS UNION S.A. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

B. Billington	M. Brownlie
P. Crisanti	A. Czora
A. Howlett	J. Salter
G. Whitford	

FFTS UNION QLD DIVISIONAL BRANCH

Divisional Branch President	G. William
Divisional Branch Secretary	V. Robinson
Divisional Branch Vice-President	A. Amos
Divisional Branch Assistant Secretary	A. Cookson

FFTS UNION QLD. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and - G. Dawson

FFTS UNION TAS DIVISIONAL BRANCH

Divisional Branch President	S. Negus
Divisional Branch Secretary	J. Gill
Divisional Branch Assistant Secretary	R. Orange
Divisional Branch Vice-President	C. Schoenwald
Additional Divisional Branch Executive member	W. Picken
Additional Divisional Branch Executive member	P. Green

FFTS UNION TAS DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

C. Sproule
W. Bandlow

END OF RULES

[105N-FED: incorporates alterations of 28/09/06 in matters R2006/286 & R2006/309]

I CERTIFY under section 161 of Schedule 1 of the Workplace Relations Act 1996 that the pages herein numbered 1 to 94 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

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1 - NAME

The name of the Union shall be the "Construction, Forestry, Mining and Energy Union".

2 - CONSTITUTION

(A)(A)The Union shall consist of an unlimited number of persons whether male or female

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in

paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;
(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union shall consist of an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

(l) persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connexion with the production or preparation of manufactured goods, plant, machinery, equipment, packages or containers for sale or purposes of distribution.

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker

Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due

south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the:

(i) The Union shall also consist of all persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) The Union shall also consist of an unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board,strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) The Union shall also consist of such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby the Union shall also consist of an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members.

(E) Without limiting the generality of the foregoing and without being limited thereby the Union shall consist of:-

(a) An unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river, and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Union or a branch of the Union or whilst financial members of the Union are elected as representatives of any working-class organisation to which the Union or a branch thereof is affiliated, or as a working-class member of Parliament.

Provided that mobile crane drivers, operators of fork lifts and/or tow motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

(b) Further, provided that, without limiting the generality of the foregoing the Union shall also consist of the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connexion with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and

employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, the Union shall consist of employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the Union shall consist of an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation

and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work

Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler,

generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery

and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees
performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

4 - OBJECTS

1. To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial and social legislation.

2. To regulate the conditions under which all members, of the Union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or association, or association of Trades Unions or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Branches, Divisions, Divisional Branches, Sub-Branches, Districts or Sections of the Union throughout the Commonwealth of Australia.

7. To further any scheme that has for its object the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labour and Trade Union newspapers and wireless broadcasting and television stations, and to invest in shares in such newspapers and radio and television stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide labour or Trade Union Organisation or Association.

10. To establish and manage a Union Journal or Journals.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

14. To render legal and other assistance to members for the recovery of wages or compensation for injuries, to protect the interests of the trade in all its Branches, and to assist other trades by any legal method.

15. To obtain such other objects as the National Conference or National Executive shall from time to time determine.

16. To organise the education of members.

17. To establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Divisional or Divisional Branches.

18. The advancement of members intellectually, morally and socially and to do all things which, in the opinion of the Union, is in the interest of members including donations to political parties, the achievement of compulsory unionism, preference in employment, retrenchment, promotion, demotion and transfer in employment, the production and distribution of newspapers, journals and the like.

19. To achieve such other objects as may be lawfully adopted by any Division of the Union.

20. To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

"UNION" shall mean this Union and shall include all its Divisions, Branches, Divisional Branches and/or any other section or part of the Union.

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"PROPORTIONAL REPRESENTATION" shall mean a system of representation at Committees, Conferences, Executives or the like which, as far as practicable, will provide for voting on a basis which

reflects the number or percentage of financial members, as calculated in accordance with these rules, that each person on such Committee, Conference, Executive or the like, represents.

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

> In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.
>
> If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast then that candidate shall be declared elected.
>
> If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.
>
> If a candidate has then an absolute majority of votes then that candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the vote preferences shall continue until one candidate has received an absolute majority of votes.
>
> In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.
>
> The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Mining and Energy Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Workplace Relations Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

(ii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Rules of the Union may require, and shall, when requested, fill in and sign such application form as may be provided.

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v)(a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of

application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

(vii) A member shall, when applying for membership be informed of the financial obligations arising from membership and the circumstances, and the manner, in which a member may resign from the organisation and shall be informed of such in writing.

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be

reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

(ii) Any member who has failed to pay the entrance fees, or contributions, levies and fines imposed in accordance with the rules of the union on or before the date specified in such rules, shall be deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant for admission or exercise any authority or any membership rights, provided that the rules may provide that some members or some class or classes of members may vote in a ballot and/or may differentiate between classes of members as to the amount of any contribution and/or entrance fee.

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.202 of the

Industrial Relations Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

(i) A member desiring to transfer to any other union covering their calling shall make application to the Divisional Branch Secretary, or where the rules of the union so provide, Divisional Sub-Branch, in writing, and shall pay all dues owing to the union, and the transfer will be forwarded to the Secretary of the union to which the member desires to transfer. Such member shall cease to be a member of this Union as from the date on which the transfer is forwarded to the Secretary of such other union.

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

(iii) A clearance shall not be granted to any member unless all moneys owing have first been paid.

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

A register of members and any other records of the Union required to be kept by the Industrial Relations Act and the Regulations made thereunder shall be kept at the registered office of the Union and so far as such records relate to a Division or Divisional Branch at the registered office of that Division or Divisional Branch.

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from

amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.
Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one

calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telegram or telex.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, telephonic, telegraphic, telex, verbal and/or written vote (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) (a) The National Executive Committee shall consist of the National Principal Officers, being the National Secretary of the CFMEU, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Forestry, Furnishing, Building Products and Manufacturing Division, the General President of the Mining and Energy Division; together with the fulltime elected Officers of each Division who are fulltime at the National level and are not already one of the aforementioned National Principal Officers; two (2) Divisional Assistant Secretaries of the Forestry, Furnishing, Building Products and Manufacturing Division, one of whom shall be the Principal Officer of the Pulp and Paper Industry Sector and the other of whom shall be the Principal Officer of the Furnishing Industry Sector; and the Divisional President, and two (2) Divisional Assistant Secretaries of the Construction and General Division if not otherwise included.

(b) Without affecting the term of office of persons holding office as National Executive Committee members immediately prior to the date of certification of this sub-rule, the National Executive Committee shall, on and from 1 July, 2006 consist of the National Principal Officers, being the National Secretary, National President, National Assistant Secretary and an additional National Assistant Secretary of the union together with such of the following elected officers of each Division at a National level namely:-

- in the case of the Construction and General Division, the Divisional Secretary, two (2) Divisional Assistant Secretaries, the Divisional President and the full time Divisional Senior Vice-President

- in the case of the Forestry, Furnishing, Building Products and Manufacturing Division, the Divisional Secretary, two (2) Divisional Assistant Secretaries and the Divisional President

- in the case of the Mining and Energy Division, the General President, the General Secretary, the General Vice-President and the Senior Vice-President

who are not one of the aforementioned National Principal Officers.

Provided however that in addition to the above the Construction and General Division shall be entitled to two (2) additional National Executive Committee members elected by and from the Construction and General Division Divisional Conference.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive and National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six (6). A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a facsimile, telephonic, email, written and/or postal vote of members of the National Executive or National Executive Committee at any time. Members of the National Executive or National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or facsimile or email or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or email.

15 - NATIONAL EXECUTIVE

(i) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National

Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

(ii) The National officers shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

(iv) The National Executive shall, unless its actions are overturned by the National Conference, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds and property of the Union and shall have and may exercise no more and no less than all of the powers of the National Conference and, without limiting the generality of the foregoing may:

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Industrial Relations Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

* in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

16 - ELECTION OF NATIONAL OFFICERS

(i) The National Secretary, National Assistant Secretary and National President (and on and from 1 July, 2006, an additional National Assistant Secretary) shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, for Divisions with more than one Divisional Branch, each Division shall be represented by at least one Officer who shall be the principal officer of that Division.

Further provided that until 30 June, 2006, for Divisions with more than one Divisional Branch, each Division shall hold at least one position of Joint Vice President as follows:

* Joint Vice President (Construction and General Division)
* Joint Vice President (FFPD Division)
* Joint Vice President (Mining & Energy Division)

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions by resolution from that Division's Divisional Conference.

Further provided that until 30 June, 2006**,** there shall be a Principal Officer of the FFPD Division representing the former FFTS Division who shall be a National Senior Vice-President. Such officer shall be and remain a member of the National Executive and the National Executive Committee.

Further provided that the Construction & General Division Senior Vice-President (former National Secretary of the OPDU) shall be a National Vice-President and shall be and remain a member of the National Executive and National Executive Committee.

Until 30 June, 2006 all existing full-time officers of each Division, not otherwise elected to any of the foregoing positions, shall be and remain members of the National Executive Committee.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office. Further provided that in the case of a vacancy in one or more of the National Principal Officer positions, the National Executive may fill such office by appointment from the National Conference delegates. Provided however that any such appointment/s shall ensure that each Division shall have at least one representative amongst the four National Principal Officers.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by post, letter, telegram, telephone, telex, facsimile and/or verbally as soon as the count is completed.

(ix) In any ballot of the National Collegiate for the election of National Officers, the representatives of each of the Divisions shall cast votes proportionate to the membership of their respective Divisions determined in the same way, the necessary changes being made, as votes cast by delegates to the National Conference in accordance with Rule 13(iii) and (iv) herein.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(ii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iii) Except in the case of the Mining & Energy Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) That nominations are called in accordance with the rules of the Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) That the nominations process, closure and receiving of, are in accordance with the rules of the Division.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) Officers of all Divisional Branches holding such office at the date of amalgamation shall remain in office until the general election of officers held in 1996 and shall be eligible to nominate in that election. In this paragraph officers of all Divisional Branches shall mean officers of branches of the amalgamating unions being the persons listed in the schedule hereto.

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall, in accordance with the Rules of the Division, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only:-

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) The candidate's statement provided for in accordance with sub-rule (h) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail all ballot papers, in accordance with the Rules of the Division.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed closed in accordance with the rules of the Division.

(r) That the opening and closing of the ballot shall be in accordance with the rules of the Division.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then

proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

"Preferential Voting" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter gives as their first preference, and shall place the number 2, 3, 4 (and so on as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the preference for them. In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate. If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference. If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preference shall be the same as is above prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except Mining and Energy Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(ii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iii) The Divisional Officers at a national level shall be members of that Divisional Executive.

(iv) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

Any Officer may be removed from office by majority decision of the National Executive, provided that such officer shall not be dismissed from office unless found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

Any officer so removed from office shall have the right of appeal to the National Conference. In the event of the appeal being upheld the National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

   National Executive shall:

   Determine the question to be submitted to the members and the form of the ballot paper.

   Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

   Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

   No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

   In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS/MEMBERS

1. The following sets out the duties of the National Officers outlined herein. The National Secretary shall be a full time position. The wages and costs relating to the office of the full time officer shall be borne by the Union.

2. National President:

   The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

The National President shall have a deliberative vote only.

The National President shall perform all duties assigned to him/her by the National Conference or National Executive and shall be responsible with the National Secretary for the allocation of duties and responsibilities arising from decisions of the National Conference or the National Executive.

3. National Secretary:

The National Secretary shall be responsible for the general correspondence of the Union, National finance, filing of documents, industrial returns and the carrying out of decisions made by National Conference or National Executive.

The National Secretary shall have the power, subject to decisions of the National Executive and/or National Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the National Office and allocate duties and responsibilities within the National Office.

The National Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the National Office, together with a statement of the assets and liabilities of the National Office for the year ending 31st December in each year.

Such financial statement shall be presented to the National Executive for its approval and be published within the journal of the National Union.

The National Secretary shall carry out such other functions as shall be determined from time to time by the National Conference or National Executive.

The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretaries:

National Assistant Secretaries shall perform all duties assigned to them by National Conference and National Executive. They shall attend all meetings of National Conference and National Executive.

5. Vice-President/s:

The Vice-President shall assist the National President in the conduct of meetings and in the absence of the National President, shall act as President.

He/She shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

6. Members of National Executive and Delegates to National Conference:

Members of National Executive and delegates to National Conference shall attend meetings of those bodies when summoned so to do.

7. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

8. No officers, employees, delegates or members shall be required to do, or required to omit to do, any act in breach of legislation applicable to the CFMEU.

9. Except as provided for by resolution of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof), it shall not be part of the duties of any delegate/steward, officer or employee, including organisers, whether temporary or not, to threaten, initiate, counsel, procure, induce, be involved in, engage in or be party to industrial action as defined by the Workplace Relations Act 1996 or building industrial action as defined by the Building and Construction Industry Improvement Act 2005.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

Provided that each Division/Divisional Branch is responsible to meet all costs associated with the operation of its Division/Divisional Branch, including all costs associated with the attendance and participation by their representatives at meetings, including National Conference, National Executive Committee unless decided otherwise by the National Executive Committee.

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. No funds shall be drawn from the Bank or financial institution except by cheque signed by two persons who are a National Secretary, National Assistant Secretary, National President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President or National Assistant Secretary. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are

held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

The Auditor shall, in the report, draw attention of the National Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Union.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the National Secretary of a petition, signed by not less than 5% of the members of the Union, requesting that a general meeting of members of the Union be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the National Office, the National Secretary shall convene such meeting as soon as is practicable.

25 - ALTERATION OF RULES

(a) The rules of the Union, or any of them, may be altered, rescinded, varied or made by the National Conference and/or National Executive. Proposals for alterations of rules may be forwarded by Divisions, Branches or any member of the National Executive or delegate to the National Conference and shall be forwarded to members and/or delegates with the notice calling the National Conference or National Executive, as the case may be, or so soon thereafter as is practicable. Provided that National Conference or National Executive may, in session, alter rules of which previous notice has not been given.

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telegraphic, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Industrial Relations Act (Commonwealth) or the regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the Industrial Relations Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

These National Rules and all the rules of the Union, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisions, Branches, and Divisional Branches and all sections of the Union and on all members who now, or who may hereafter, belong to the Union until they are made or become null and void according to the law.

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each division shall have autonomy in relation to its funds and property.

(iv) Each Division shall have rules and have power to make, alter or rescind such rules, to be called Divisional Rules. Without limiting the generality of the foregoing paragraph, each Division shall have power to determine policy for that Division, not inconsistent with the rules and policy of the Union as decided by National Conference or National Executive.

(v) If there is any environmental matter that directly affects the employment of members of one Division only, then that Division whose members are so affected shall have the power to determine the policy of the Union on that matter.

(vi) Divisions shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland, New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.202 of the Industrial Relations Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of state unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or National Assistant Secretary or any person authorised by a National Secretary or National President or National Assistant Secretary so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary or any person authorised by a Divisional Secretary or Divisional Assistant Secretary may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, Divisional Secretary or Divisional Assistant Secretary, or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National

Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests issued by a Divisional Secretary or Divisional Assistant Secretary or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National Assistant Secretary, National President, Divisional Secretary and/or Divisional Assistant Secretary shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.

(g) The taking of industrial action (within the meaning of the Workplace Relations Act 1996), building industrial action (within the meaning of the Building and Construction Industry Improvement Act 2005) or picketing by members is not authorised by the union without the consent of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof).

Provided however that the preceding paragraph shall not restrict the right of a person or body duly authorised by such a committee of management to authorise industrial action in accordance with s 446 (1)(a) of the Workplace Relations Act 1996, or any successor provisions thereto.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 361 Kent Street, Sydney in the State of New South Wales, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

Where a Division ceases to exist and the Union continues, the property of that defunct Division shall be vested in the Division to which the members of the defunct Division are allocated.

Where the Union is dissolved the property of the Union shall be vested in the trustees of each existing Division at the time of dissolution for the benefit of the members thereof on the basis that each such Division will continue to hold its own property and funds and any property or funds not vested at the time of dissolution in a Division shall be divided between the existing Divisions on a basis proportionate to the membership of each such Division.

35 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members may be sued for in the name of the Union by the National Secretary or by the Divisional Secretary, or Divisional Branch Secretary to which the member is attached, or by any other person or body authorised by the rules of the Union including the rules of any Divisional Branch or the Rules of any Division.

36 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy shall be decided by a majority of the National Conference or National Executive and shall not exceed $50.00 and when so decided shall be binding on all members or sections of members as National Conference or National Executive may decide.

(iii) A Division or Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

(a) If the National Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a rule, to a vote of National Conference or National Executive at any time when it is inconvenient to call National Executive or National Conference together, the National Secretary may submit a resolution dealing with the matter to the delegates or members, by letter, facsimile, telegram, telephone, email, in writing, by computer link and/or by any other means of communication.

(b) A copy of such resolution shall, as soon as practicable thereafter, be sent to each Branch Secretary and each Divisional Secretary. The votes on such resolution shall be returnable to the National Secretary at such time as the National Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.

(c) Provided that where no record can be kept of the vote and/or decision, such a record shall be created and a copy of that record sent to each person entitled to vote or, in the case of computer linkages, the record is such that it can be viewed and/or copied by the person entitled to vote.

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

1. All motions shall be of an affirmative character and must be moved and seconded by delegates or members. Such motions become the property of Conference or Executive and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates or members present agree to an extension of time.

2. Unless a delegate or member rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

3. A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

4. A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

5. Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

6. All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chairperson's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

   If the votes are equal the question is resolved in the negative.

7. A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates or members present agree to an extension of time.

8. Right of Speaker: Any delegate desiring to speak shall rise and address the chairperson. If two or more delegates or members rise at the same time the chairperson shall call upon the one who, in the Chairperson's opinion, first rose. Provided that no delegates or members can speak more than once upon any question (which shall include the original motion and all amendments thereto) before Conference or Executive, except -

   (a) In reply as the mover of the original motion.

(b) In explanation or correction of some matter during the debate.
(c) Upon a point of order raised during the debate.
(d) Upon a resolution being carried "that the delegate now be heard".

9. A delegate or member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by that delegate or member.

10. No more than two delegates or members shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

11. Any delegate or member speaking shall at once resume their seat -

(a) If the chairperson rises to speak; or
(b) If a point of order is raised.

and shall not resume their speech until the point of order is decided.

12. No delegate or member may speak to any question after it has been put by the chairman or during the taking of the vote.

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of Conference.

CHAIRPERSON'S RULINGS

The chairperson's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by Conference or Executive. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the delegates or members present for Conference or Executive to suspend the order of business.

SITTING AS A COMMITTEE

Conference or Executive may at any time, by a resolution agreed to by a majority of delegates or members present, resolve itself into a committee of the whole. The rules governing the business of Conference or Executive shall be observed when in Committee.

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

The National Executive, the State Executive, a Divisional Executive or a Divisional Branch Management/Executive Committee may, in their absolute discretion, summon meetings of members over which they have authority and/or responsibility from time to time.

If such meeting is called notice shall be given in a union journal circulating in the area covering the members to which the meeting relates or in a mass circulation daily newspaper circulating in the area in which the meeting is to be held and such publication shall be issued at least fourteen days before the date of the meeting. The notice of such meeting shall specify the day, the date, the time and the place of such meeting.

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the Industrial Relations Act 1988, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, telex, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for

membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee, following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted

(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) deleted

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - Divisional Restructuring (FEDFA)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps which steps may deal with one Division at a time, Divisional Branches within a Division and/or the Divisional Office of any particular Division.

2. In relation to the above, the FEDFA Division shall be restructured in steps which shall involve:

(a) The abolition of full-time Divisional Officers at a national level and the allocation of responsibility for the FEDFA Division between the Building Unions Division and the UMW Division;

(b) The allocation of full-time Divisional Officers of the FEDFA Division to the Building Unions Division and the UMW Division;

(c) The continued operation of the Divisional Branches of the FEDFA Division with the intent, over time, of the restructuring of said Divisional Branches in accordance with Rule 42, into the Building Unions/Construction and General Division, UMW/Mining & Energy Division and the ATAIU/Forestry Division;

(d) The payment of capitation fees by FEDFA Divisional Branches to a designated fund which shall be administered by the Divisional Secretary of the FEDFA Division or, if or when that Office is abolished by the former Divisional Secretary and the Divisional Secretaries of the Building Unions and/or Construction and General Division and the UMW and/or Mining and Energy Division.

(e) The continued meeting of the Division Executive of the FEDFA Division for so long as is necessary before the complete restructuring of the FEDFA Division is effected in accordance with Rule 42.

3. On and from 27 September 1993, in accordance with the above procedure, the current Divisional Secretary of the FEDFA Division shall be and become the Divisional President of the Building Unions Division and the current Divisional Assistant Secretary of the FEDFA Division shall be and become a Divisional General Vice-President of the UMW Division and upon translation in accordance with Rule 42 (iii), shall hold the corresponding offices in the Construction and General Division and the Mining & Energy Division respectively.

4. The current Divisional Secretary and Divisional Assistant Secretary of the FEDFA Division shall continue to hold those positions in the FEDFA Division on an honorary basis until such time as the FEDFA Division no longer meets on a national basis.

5. This Rule shall come into force after its adoption by the National Executive and agreement thereto by the FEDFA Divisional Executive, UMW Divisional Executive and Building Unions Divisional Executive and thereupon shall be registered with the Australian Industrial Registry and shall take effect upon registration, or 27 September 1993, whichever is the later.

6. Further to the above provisions, and notwithstanding any other rule of the Union to the contrary, during the process of restructuring, any Divisional Branch of the FEDFA Division may reach agreement with any or all of the UMW Division/Mining & Energy Division and/or the Building Unions Division/Construction and General Division and/or the Forestry Division or the relevant Divisional Branches thereof to transfer members and officers of the FEDFA Division to any and/or all of the other aforementioned Divisions. Such agreement shall be reached with the approval of the Management Committee or its equivalent in each Divisional Branch and the officers concerned. Any such Divisional Branch may reach agreement on some or all of the matters relating to such transfer and, failing agreement on any or all of such matters, refer the matters by agreement to the National Executive for decision. Until such time as there no longer exists an FEDFA Division in accordance with the Rules of the Union, all such officers transferred shall, notwithstanding the holding of positions in other Divisions, continue to hold the office or position in the FEDFA Division on an honorary basis and shall, to the extent that the Rules require same, continue to perform the functions associated with that office in relation to the FEDFA Division. All agreements in relation to the transfer of members and officers shall be notified to the National Executive Committee and attached to the Minutes thereof. Such agreements shall have force and effect in accordance with the terms thereof and from the date of effect of that agreement as specified in that agreement, or failing any specification thereof, on the date of the agreement.

7. The following table shows the restructuring of the FEDFA Division, merging with the appropriate Union Division to create Industry Divsions:

	(	merged with	)
STATE	CONSTRUCTION AND GENERAL	MINING AND ENERGY	FORESTRY

National Office	27 Sept 1993	27 Sept 1993	
Queensland	4 Feb 1994	1 Jan 1993	
New South Wales		Northern 2/4/93 Southern 1/7/93 Western 8/4/93 Energy 21/7/93	
Tasmania	31 July 1996	24 August 1996	1 Jan 1994
Sth Aust	1 Aug 1993	1 Aug 1993	
West Aust	1 Sept 1993	1 Sept 1993	
Victoria	1 Aug 2003	2 Jan 2001	
Barrier		1 July 1996	

42B - Merger with ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DIVISIONAL RESTRUCTURING (FFTS)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps, such steps may deal with one Division at a time and/or Divisional Branches within a restructured Division at a time.

2. In relation to the above, the FFTS Division shall on and from the 11th February 2002, be restructured in the first instance into the Forestry Division to form "The Forestry, Furnishing, Building Products and Manufacturing Division" (FFPD) which shall result in:

   (a) The abolition of full-time FFTS Divisional Officers at a national level and the allocation of responsibility for the FFTS Division to the restructured Division.

   (b) The allocation of Divisional/Branch Office Holders of the FFTS Division to the Office Holders positions of the restructured Division.

   (c) The continued operation of the Victorian and Queensland Divisional Branches of the FFTS Division within the restructured Division of up to four years beyond the expiration of the eight years referred to in sub-rule 42(xii). This sub-rule shall not otherwise affect the operation of sub-rule 42(xii). For the avoidance of doubt, the four years referred to in this sub-rule shall expire on 26 March 2005.

3. Further to the above provisions and notwithstanding any other rule of the Union to the contrary, the FFTS Victorian Branch shall unless otherwise agreed by the FFTS Victorian Branch Management Committee maintain its current structure and existence within the restructured Division up until 26 March 2005.

4. Prior to the 26 March 2005, the FFPD (which shall include representatives of the former FFTS Division) and the Construction & General Division (which shall include representatives from the National Office and all interested Branches) will meet under the chairpersonship of the National Secretary of the CFMEU to reach agreement to finalise translation/integration provisions intended by the respective Schemes of Amalgamation and the Rules of the Union in respect to the Forestry, FFTS and C&G Divisions.

5. Should agreement not be reached between the Divisions the matter shall be referred to the CFMEU National Executive to determine in accordance with the Schemes of Amalgamation and Rules of the Union.

6. Until the elections scheduled to be held in August 2004 the FFPD shall be constituted and represented as follows:-

   (a) Divisional Conference shall consist of:-

   (i) Forestry Division Representatives

Trevor Smith	SA	Jane Calvert	VIC
Paul Martinella	SA	Andy Laing	VIC
Mark Nicholls	SA	Ian Mullen	VIC
Brenton Lockwood	SA	Michael O'Connor	VIC
Scott McLean	TAS	Brad Platschinda	VIC
Colin Butler	TAS	Bevan Anderson	NSW
Gary Jaeschke	WA	Bruce CampbellNSW	
Christopher Northover	P&P	Craig Smith	NSW
Phillip Illidge	P&P	Eileen Anderson	NSW
Alex Millar	P&P	Kenneth Miller	NSW
Debbie Brennan	P&P		

   (ii) FFTS Division Representation

Jim Emery	SA	Leo Skourdoumbis	VIC
David Kirner	SA	Frank Vari	VIC
Brad Parker	NSW	Joe Patti	VIC
Greg Williams	QLD	Cliff Palmer	VIC
John O'Brien	VIC	Alwin Seneviratne	VIC

(iii) Representation

Representation of the Forestry and FFTS Division Branches shall be in accordance with Rule 8 of the Forestry Division Rules.

(b) Divisional Executive shall consist of:-

(i)

Jane Calvert	Divisional President
Phillip Illidge	Divisional Snr V/President
Brad Parker	Divisional V/President
Craig Smith	Divisional V/President
Trevor Smith	Divisional Secretary
Chris Northover	Divisional Snr Assistant Secretary (Honorary)
Michael O'Connor	Divisional Assistant Secretary
Leo Skourdoumbis	Divisional Assistant Secretary (Honorary)
Kenneth Miller	Divisional Trustee
Dave Kirner	Divisional Trustee
Frank Vari	Divisional Trustee
Scott McLean	Divisional Trustee
Paul Martinella	Divisional Executive Member
Greg Williams	Divisional Executive Member
Gary Jaeschke	Divisional Executive Member

(c) FFPD NSW Branch Executive/Committee of Management

Brad Parker	Joint President (full-time)
Bevan Anderson	Joint President (Honorary)
Bruce Campbell	Snr V/President
Jayne Willet	Jnr V/President (AA)
Tom Abramovic	Jnr V/President
Craig Smith	Secretary
Sala Taalilil	Trustee
Eileen Anderson	Trustee (AA)
Peter Reilly	Trustee
Ronnie Watson	Trustee
Kenneth Miller	Trustee
Alan Lanyon	Committee Member
Barry Barrakett	Committee Member
Cheryl Hampton	Committee Member
Kerry Hickey	Committee Member
Mark Thompson	Committee Member
Michael Schuppan	Committee Member
Peter StClair	Committee Member
Anthony Ovington	Committee Member

(2 Vacant COM positions to be filled by FFTS)

(d) (a) FFPD VIC FFTS Branch Executive/Committee of Management

Joe Patti	President
Cliff Palmer	V/President
John O'Brien	V/President

Leo Skourdoumbis	Secretary
Frank Vari	Assistant Secretary
Michael Doran	Trustee
Ernie Landolt	Trustee
Les Ford	Trustee
Florencio P Carrion	Committee Member
Eric Maher	Committee Member
Jeffery Connor	Committee Member
Brenda Crawford	Committee Member
Penny Lintzos	Committee Member
James Maine	Committee Member
Alwin Seneviratne	Committee Member
Greg Wheeler	Committee Member
Chris Christou	Committee Member
Damian Cooke	Committee Member
Ian Morris	Committee Member

(b) FFPD VIC Forestry Branch Executive/Committee of Management

Andy Laing	President
Ian Mullen	Snr V/President
Andrew Wareham	V/President
Kim Mason	V/President (AA)
Jane Calvert	Secretary
Yorick Piper	Assistant Secretary
Kevin Wyley	Trustee
Clare Burford	Trustee (AA)
Ken Tonkin	Trustee
Mark Nelson	Trustee
Ricky Owens	Committee Member
Bob Salmnon	Committee Member
Wayne Smith	Committee Member
Neil Saunders	Committee Member
David Sheppard	Committee Member
Sunsera Verhoven	Committee Member
Anthony Jones	Committee Member
Duncan Ingram	Committee Member
Graeme Howe	Committee Member

(1 vacant COM AA position to be filled)

(e) FFPD Pulp & Paper Branch Executive/Committee of Management

Phillip Illidge	President
Robert Johnston	Snr V/President
Alex Millar	Jnr V/President
Chris Northover	Secretary/Treasurer
Grant Keys	Trustee
Chris Northover	Trustee
Alex Millar	Trustee
Geoff Gasperotti	Committee Member
Wayne Hardy	Committee Member
Andrew Ball	Committee Member
Greg Stewart	Committee Member
David Jessup	Committee Member
Mervyn Donoghue	Committee Member
Tom Blacka	Committee Member
Craig Waters	Committee Member
Ken Fraser	Committee Member

William Davey	Committee Member
Greg Godde	Committee Member
Trevor Sinclair	Committee Member
Marne Gurney	Committee Member

(f) FFPD SA Branch Executive & Committee of Management

Jim Emery	President
Mark Nicholls	Snr V/President
Tony Howlett	V/President
Maree Gale	V/President
Paul Martinella	Secretary
David Kirner	Assistant Secretary
Steve Crafter	Trustee
Tom Kenny	Trustee
Ross Bennetta	Trustee
Leonie Kiploks	Trustee (AA)
Karen Cory	Committee Member
Mark Vickers	Committee Member
Peter Nelson	Committee Member
Greg Muhovics	Committee Member
Andrew Sampson	Committee Member
Kym Isaacson	Committee Member
Peter Starr	Committee Member
Bill Burns	Committee Member
Bernie Maguire	Committee Member
Laurie Barbary	Committee Member

(1 Vacant COM AA position to be filled by FFTS)

(g) FFPD TAS Branch Executive & Committee of Management

Colin Butler	President
Angela Lord	Snr V/President
Narrelle Bassett	V/President (AA)
Anthony Clay	V/President
Scott McLean	Secretary
Shiralee Gillespie	Trustee (AA)
Ronald Brown	Trustee
Leanne Hardy	Trustee (AA)
Lindsay Hills	Trustee
Robert Bowden	Committee Member
Paul Worker	Committee Member
Peter Mason	Committee Member
Margaret Watson	Committee Member
Kylie Dundas	Committee Member
Joseph Kelly	Committee Member
Anthony Barnes	Committee Member
Adrian Littlejohn	Committee Member

(h) FFPD QLD Branch Executive/Committee of Management

Ursula Korableff	President
Desmond Flanagan	V/President
Stephan Williams	V/President
Greg Williams	Secretary
Rodney Black	Committee Member
Vincent Breen	Committee Member
John Forrest	Committee Member

(i) FFPD WA Branch Executive/Committee of Management

John Rudge	President
Vincent Preedy	Snr V/President
Douglas Ashcroft	V/President
Gary Jaeschke	Secretary (Honorary)
John Cleary	Trustee
Garry Rampling	Trustee

7. This rule shall come into force on and from 11 February 2002 in accordance with the unanimous decision of the National Executive and shall be registered with the Australian Industrial Registry.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State or

Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS

(i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

Nothing in this Rule prevents the Branch from entering into an agreement with a Trade or Industrial Union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or on a basis on which the funds are held in common or jointly so long as the funds are treated, for all purposes, insofar as they relate to members of the Branch, as funds of the Branch.

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

The Auditor shall, in the aforesaid report, draw attention of the State Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Branch.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made pursuant thereto.

Upon receipt by the State Branch Secretary of a petition, signed by not less than 5% of the members of the State Branch, requesting that a general meeting of members of the State Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the State Branch, the State Branch Secretary shall convene such meeting as soon as is practicable.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

SCHEDULE OF OFFICERS REFERRED TO IN RULE 42 (xiv) (a)

POSITION	PERSON TO HOLD POSITION
NATIONAL UNION	
** Joint National Secretary	Stanley Sharkey
** Joint National Secretary	Vic Fitzgerald
** Joint National President	John Maitland
** Joint National President	Trevor Smith
** National Assistant Secretary	John Sutton
** National Senior Vice President	Lou Kyriacou
* National Senior Vice President	Albert Littler
National Senior Vice President	Bill Ethell
Joint National Vice President	Christopher Northover
Joint National Vice President	Kenneth Hawkins
Joint National Vice President	Malcolm McDonald
Joint National Vice President	Thomas Burke
* FEDFA Divisional Assistant Secretary	Tony Maher
* BWIU/Plasterers Divisional Assistant Secretary	Lindsay Fraser
* ATAIU Divisional Assistant Secretary	Chris Northover
* UMW Divisional General Secretary	Eric A Wilks
* UMW Divisional Vice President	Kenneth Hawkins

NATIONAL EXECUTIVE COMMITTEE shall consist of the six (6) principal officers (marked **) plus the other full-time Divisional Officers of each Division (marked *).

NATIONAL EXECUTIVE shall consist of the persons who constitute the National Executive Committee set out above and the Divisional Branch Secretary of each Divisional Branch of each Division set out herein and shall, in accordance with Rule 42 (viii) (a) include the National President and National Secretary of the former OPPWF. This body shall also include the Divisional Branch Secretaries from Victoria, New South Wales, South Australia and Queensland of the FFTS Union Division.

It also includes the South Australian, Victoria and Queensland Branch Secretaries and the NSW Branch Assistant Secretary of the former OPDU.

NATIONAL CONFERENCE shall consist of the persons listed as the members of the four (4) divisional executives set out herein until 2 January 1997, the following shall also be a delegate,

T. Richardson - Secretary of former OPPWF, Queensland Branch.

The National Conference shall also include the persons (as set out herein) comprising the Federal Executive of the FFTS Union Division while that Union Division remains autonomous.

BRANCHES OF THE UNION

NEW SOUTH WALES BRANCH

New South Wales State Officers

Joint NSW State Secretary	Dennis Matthews
Joint NSW State Secretary	Ian Peel
Joint NSW State President	Gavin Hillier
Joint NSW State President	Michael Watson
Joint NSW State Assistant Secretary	Andrew Ferguson
Joint NSW State Assistant Secretary	Alf Rankin
Joint NSW State Senior Vice President	Thomas Burke
Joint NSW State Senior Vice President	Peter McClelland
Joint NSW State Senior Vice President	Edward Curran
Joint NSW State Senior Vice President	Sid Wales
Joint NSW State Vice President	Bevan Anderson
Joint NSW State Vice President	Howard Fisher
Joint NSW State Vice President	Mick Smith
Joint NSW State Vice President	Gary McArthur

New South Wales State Executive

Shall consist of the abovenamed persons being the NSW State Officers together with the persons who are the full-time Divisional Branch officers, other than organisers, of each Divisional Branch, being,

ATAIU NSW Divisional State Assistant Secretary, Joyce Tuckwell
FEDFA NSW Divisional State Assistant Secretary, Scott Gartrell
FFTS NSW Union Divisional State Assistant Secretary, Rex Smith

New South Wales State Conference

Shall consist of the persons who constitute NSW State Executive as listed above (i.e. including NSW State Officers) and the persons being the other members of ATAIU NSW Divisional Branch Management Committee and the Building Unions NSW Divisional Branch Management Committee and the UMW Divisional Branch Management Committee, and the FEDFA NSW Divisional Branch Management Committee and the FFTS Union Division NSW Branch Management Committee listed herein.

VICTORIAN BRANCH

Victorian State Officers

Joint Vic State Secretary	John Van Camp
Joint Vic State Secretary	Vince Raffa
Joint Vic State President	Barry King
Joint Vic State President	Lou Kyriacou
Joint Vic State Assistant Secretary	Martin Kingham
Joint Vic State Assistant Secretary	Vacant
Vic State Senior Vice President	Frank O'Grady
Joint Vic State Vice President	Vilma Stargatt
Joint Vic State Vice President	Malcolm McDonald
Joint Vic State Vice President	Alex Findlay
Joint Vic State Vice President	Vacant

Victorian State Executive

Shall consist of the abovenamed persons being the Victorian Divisional Officers, Building Unions Victorian Divisional State Assistant Secretary and the FEDFA Victorian Divisional State Assistant Secretary plus FFTS Union Division Victorian Divisional Branch Senior Organiser.

Victorian State Conference

Shall consist of the persons who constitute the persons being the other members of the ATAIU Victorian Divisional Branch Management Committee, the BWIU Victorian Divisional Branch Management Committee and the FEDFA Victorian Branch Management Committee and the FFTS Union Division Victorian Divisional Branch Management Committee listed herein.

SOUTH AUSTRALIAN BRANCH

South Australian State Officers

SA State Secretary	Ben Carslake
SA State President	Quentin Cook
Joint SA Senior State Vice President	A. Johnson
Joint SA Senior State Vice President	D. Frater
Joint SA State Vice President	A. Young
Joint SA State Vice President	G. Bull
Joint SA State Vice President	D. Stapleton
Joint SA State Assistant Secretary	Terry Carrol
Joint SA State Assistant Secretary	Geoff Day
Joint SA State Assistant Secretary	J. McGirr

South Australian State Executive

Shall consist of the abovenamed persons being South Australian State Officers and

ATAIU SA Divisional Branch Assistant Secretary
FFTS SA Divisional Branch Assistant Secretary

South Australian State Conference

Shall consist of the persons who constitute South Australian State Executive set out above and the persons being the other members of the ATAIU South Australian Divisional Branch Management Committee, the Building Unions South Australian Divisional Branch Management Committee the FFTS Union Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee listed herein.

TASMANIAN BRANCH

Tasmanian State Officers

Joint Tas State Secretary	Max Cordwell
Joint Tas State Secretary	Mike Grey
Joint Tas State President	Shayne Murphy
Joint Tas State President	Leonard Miles
Tas State Senior Vice President	Stephen Hevey
Joint Tas State Vice President	J. Gill
Joint Tas State Vice President	Colin Butler
Joint Tas State Vice President	M. Collins
Joint Tas State Vice President	David Bean
Joint Tas State Vice President	Barry Bishop
Joint Tas State Vice President	Ray Carroll
Tas State Assistant Secretary	

Tasmanian State Executive

Shall consist of the Full Time Tasmanian State Officers.

Tasmanian State Conference

Shall consist of the persons listed as the Tasmanian State Executive set out above and, the other persons being the persons listed as members of the ATAIU Tasmanian Divisional Branch Management Committee, UMW Tasmanian Divisional Branch Management Committee, the Building Unions Tasmanian Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee and the FFTS Union Division Tasmanian Branch Management Committee listed herein.

AUSTRALIAN CAPITAL TERRITORY BRANCH

ACT State Officers

ACT State Secretary	George Wason
ACT State President	Rod Driver
Joint ACT State Vice President	Kate Lundy
Joint ACT State Vice President	J. McHugh
Joint ACT State Assistant Secretary	Trevor Zeltner
Joint ACT State Assistant Secretary	Stan Hambesis

ACT State Executive

Shall consist of the abovenamed persons listed as ACT State Officers.

ACT State Conference

Shall consist of those persons listed above as being the ACT State Executive and the other persons listed herein as members of the Building Unions ACT Divisional Branch Management Committee.

WESTERN AUSTRALIAN BRANCH

Western Australian State Officers

WA State Secretary	Bill Ethell
Joint WA State President	John Borlini
Joint WA State President	Alex A'Vard
Joint WA State Vice President	Gary Wood
Joint WA State Vice President	A. Baxter
Joint WA State Vice President	Ron Kielty
Joint WA State Vice President	A. Cook

Joint WA State Vice President	K. Reynolds
Joint WA State Assistant Secretary	Rick Todd
Joint WA State Assistant Secretary	Dave McIntyre

WA State Executive

Shall consist of the abovenamed persons listed as WA State Officers.

WA State Conference

Shall consist of those persons listed above as being the WA State Executive and the persons listed herein as members of the both Building Unions Divisional Branches' Management Committees, the members of the UMW WA District Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee.

QUEENSLAND BRANCH

Queensland State Officers

Joint Qld State Secretary	William Trohear
Joint Qld State Secretary	Greg Betts
Joint Qld State President	Andrew Vickers
Joint Qld State President	Peter Stone
Joint Qld State President	Des Holloway
Joint Qld State Senior Vice President	V. Robinson
Joint Qld State Vice President	B. Rushan
Joint Qld State Vice President	Kevin Anderson
Joint Qld State Vice President	Peter Neilson
Joint Qld State Assistant Secretary	Mark Hickey
Joint Qld State Assistant Secretary	Geoff Wilson
Joint Qld State Assistant Secretary	P. Waters

Queensland State Executive

Shall consist of the abovenamed persons listed as Queensland State Officers plus an additional person being the FFTS Union Division Qld Branch Assistant Secretary.

Queensland State Conference

Shall consist of those persons listed above as being the Queensland State Executive and the persons listed herein as members of the Building Unions Queensland Divisional Branch Management Committee, the members of the UMW Divisional Branch Management Committee and the members of the FEDFA Divisional Branch Management Committee and members of the FFTS Union Division Qld Divisional Branch Management Committee.

BUILDING UNIONS DIVISION

DIVISIONAL OFFICERS

Joint Divisional President	A. Littler
Joint Divisional President	B. Ethell
Divisional Secretary	S. Sharkey
Joint Divisional Assistant Secretary	J. Sutton
Joint Divisional Assistant Secretary	L. Fraser
Joint Divisional Senior Vice President	D. McDonald
Joint Divisional Senior Vice President	J. McGirr
Joint Divisional Vice President	C. Bates

Joint Divisional Vice President	M. Bingham
Joint Divisional Vice President	T. Burke

BUILDING UNIONS DIVISIONAL EXECUTIVE

The Divisional Officers of Building Unions Division as set out above, and

W. Trohear	Queensland
M. Cordwell	Tasmania
B. Carslake	South Australia
V. Raffa	Victoria
D. Cafferty	Victoria
G. Wason	Australian Capital Territory
D. Matthews	New South Wales
A. Rankin	New South Wales
B. Ethell	Western Australia
T. Carroll	Plasterers
K. Reynolds	WA Plasterers

BUILDING UNIONS DIVISIONAL CONFERENCE

The Divisional Officers of Building Unions Division and the Divisional Executive as set out above, and the following delegates from Building Unions Divisional Branches:

A. Ferguson	(NSW)	A. Wigchert	(QLD)
P. Grainger	(NSW)	M. Hickey	(QLD)
J. Briggs	(NSW)	T. Richardson	(QLD)
T. Morrison	(NSW)		
T. Mawdsley	(NSW)	F. O'Grady	(VIC)
J. Taylor	(NSW)	R. Williams	(VIC)
I. Smith	(NSW)	M. Kingham	(VIC)
B. Woodham	(NSW)	J. Saddington	(VIC)
T. McDonald	(NSW)		
E. Boatswain	(NSW)	R. Todd	(WA)

- together with the OPDU Federal Council as at the date of amalgamation.

BUILDING UNIONS DIVISIONAL TRUSTEES

W. Trohear	(QLD)
R. Driver	(ACT)

BUILDING UNIONS NSW DIVISIONAL BRANCH

Divisional State President	P. McClelland
Divisional State Secretary	D. Matthews
Joint Divisional State Assistant Secretary	A. Ferguson
Joint Divisional State Assistant Secretary	T. Burke
Joint Divisional State Assistant Secretary	A. Rankin
Divisional State Vice President	G. McArthur

BUILDING UNIONS NSW DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners	**Bricklayers**
T. Morrison	H.D. Eisenhammer
J. Pineiro	A. Baxter
I. Smith	

L. Strutzenberger
M. Barrios

Bridge & Wharf
A. Melnikoff

Tilelayer
L. Quill

Builders Labourers
J. Ashdown
P. Balcombe
I. Gavin
S. Green

Stonemason
S. Cafarella

Slater & Tiler
M. Murphy

Plasterer
C. Howarth

Painters
J. Anning
J. Foster
J. Hoddle

BUILDING UNIONS NSW DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and -

Sydney Zone

Sydney Carpenters & Joiners
H. Brazao
P. Bristow
T. Connolly
P. Eggers
E. Elder
G. Kelly
F. Malis
P. Leyden
A. Zdrilic

Sydney Bricklayers
V. Catania
J. Taylor
M. McAliney

Sydney Builders Labourers
B. Granata
E. Harbidge
G. Sheen
D. Stean
J. McGee
S. Whetter

Country Zone

Country Carpenters & Joiners
L. Allen
R. Wills

Country Bricklayer
D. Atkinson

Country Builders Labourer
W. Shipman

Bridge & Wharf
C. Ford

Tilelayers
L. Quill

Slaters & Tilers
M. French

Stonemasons
J. Robinson

Plasterer
K. Andrews

Newcastle Zone

Newcastle Carpenters & Joiners
J. Allen
P. Cuskelly

Newcastle Bricklayer
L. Deeks

Newcastle Builders Labourer
E. Purins

Wollongong Zone

Wollongong Carpenters & Joiners
T. Gray
G. Karry

Wollongong Bricklayer
W. Hall

Wollongong Builders Labourer
M. Ward

BUILDING UNIONS NSW DIVISIONAL BRANCH TRUSTEES

T. Morrison
L. Strutzenberger
S. Green
J. Anning

BUILDING UNIONS NSW DIVISIONAL BRANCH ORGANISERS

B. Miller
P. Grainger
W. Baker
J. Briggs
B. Cochrane
N. Fodor
J. Higgins
J. Curruthers
J. Prentice
J. McKee
T. Hunt
M. Lawler
P. Zaboyak
M. Lynch
S. Manna
T. Mawdsley
D. Sullivan
C. Bates
J. Adams
J. McGahan
B. Beasley

Newcastle: R. Jarman

BUILDING UNIONS NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

T. McDonald
S. Sharkey
D. McDonald
J. Briggs
I. Smith
P. Grainger
J. Taylor
J. Sutton
T. Burke
E. Boatswain
D. Matthews
L. Fraser
C. Bates
A. Ferguson
T. Morrison
T. Mawdsley
B. Woodham

BUILDING UNIONS QLD DIVISIONAL BRANCH

Divisional State President — P. Stone
Divisional State Secretary — W.W. Trohear
Divisional State Assistant Secretary — M. Hickey
Divisional State Assistant Secretary — P. Waters
Divisional State Vice President — K. Anderson
Divisional State Vice President — B. Rushan

BUILDING UNIONS QLD DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

B. Tucker
P. Stone
T. Richardson
R. Bostock
K. Marcus
K. Anderson
B. Hopton
K. Bull
R. Vanderhorst
A. Pountey
F. Pearson
J. Gruer
G. Federer
B. Hall
G. Horn
B. McGill
M. Edwards

BUILDING UNIONS QLD DIVISIONAL BRANCH TRUSTEES

P. Stone

T. Richardson
R. Bostock
R. Vanderhorst

BUILDING UNIONS QLD DIVISIONAL BRANCH ORGANISERS

W. Perrett
D. Kersey
T. Richardson
K. Murphy
K. Carroll
G. Howcroft
A. Wigchert

BUILDING UNIONS QLD DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. Trohear
A. Wigchert
M. Hickey
T. Richardson

BUILDING UNIONS WA DIVISIONAL BRANCH

Divisional State President	A. Baxter
Divisional State Secretary	B. Ethell
Divisional State Assistant Secretary	R. Todd

BWIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

N. Houston
P. Alcantara
B. Churchill
B. Freeman
T. Bird
H. Johnson
M. Banks
J. Giles

BWIU WA DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

Perth
G. Curtin
R. Gaskell
C. Knight
B. Waller
A. De Klerk
M. Floud
N. Drayton
A. Hughes
K. Bulloch
J. Fitzgerald

Fremantle/Medina
C. Gorham
A. Phillips
J. Allison
P. Fairbotham
J. Curran

South West
J. McDonell

BWIU WA DIVISIONAL BRANCH ORGANISERS

D. Wildgoose
J. Gallagher

BWIU WA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Ethell
R. Todd

BUILDING UNIONS WA PLASTERERS DIVISIONAL BRANCH

Divisional State President	Mark Hudston
Divisional State Secretary	Kevin Reynolds
Divisional Branch Delegate to National Conference	Kevin Reynolds
Divisional State Vice President	Roy Cox
Divisional Committee of Management	James Hamilton
	Michael Naughton
Divisional Branch Organiser	Robert Manwaring

BUILDING UNIONS TAS DIVISIONAL BRANCH

Divisional State President	Stephen Hevey
Divisional State Secretary	Max Cordwell
Divisional State Assistant Secretary	T. Benson
Joint Divisional State Vice President	Ray Browne
Joint Divisional State Vice President	Ray Carroll
Joint Divisional State Vice President	M. Collins

BUILDING UNIONS TAS DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Adrian Telha	Paul Ridgeway
Roy Smedley	Grant Jackson
Ray Carroll	Gary Taylor
R. Edwards	L. Verrell

BUILDING UNIONS TAS DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

002 Area	003 Area
C. Green	A.J. Smith
A. Currie	L. Edwards
R. Dillon	P. Harris

004 Area

W. Maloney
B. Knowles
R. Doe

BUILDING UNIONS TAS DIVISIONAL BRANCH TRUSTEES

Max Cordwell	Stephen Hevey
Ray Browne	Adrian Telha
R. C. Edwards	A. R. Benson

BUILDING UNIONS TAS DIVISIONAL BRANCH ORGANISERS

Mark Telha
Martin Clifford
Ray Carroll

BUILDING UNIONS TAS DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

M. Cordwell

BUILDING UNIONS VIC DIVISIONAL BRANCH

Divisional State President	F. O'Grady
Divisional State Secretary	V. Raffa
Divisional Branch Assistant Secretaries	M. Kingham M. Bingham
Divisional State Vice President	B. Oliver

BUILDING UNIONS VIC DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners	**Builders Labourers**	**Painters**
R. Williams	T. Sinclair	M. Baird
R. Carter	R. Ryan	M. Garcia
G. Lavery	J. Nicol	K. B. Hughes
D. Van Dam	P. Lennon	P. Boyle
M. Santana	M. Bingham	M. Evans
W. Torpey	M. Ratel	
D. Noonan		
B. Giagnacovo		

Tilelayer	**Stonemason**
Z. Prazac	M. Newham

BUILDING UNIONS VIC DIVISIONAL BRANCH COUNCIL

Carpenters & Joiners	**Builders Labourers**
V. Nicoli	T. Bockting
K. Green	G. Young
D. Black	G. Miles
A. Moore	D. Noonan
W. Oliver	K. Hughes
H. Kotsabis	J. Bruce
D. Jacobson	J. McPartlin
G. Preddy	C. Leatham
D. Shacklock	

Stonemasons	**Tilelayers**
A. Patience	O. Kypta
G. Slack	Z. Prazak

Zone Delegates

Ballarat	Bendigo
V. Broes	T. Coleman

L. Brown
N. Davidson

N. Pyle
L. Worme

Brunswick
M. Kingham
W. McConnel
F. Stradijot

Camberwell
J. Baysinger
R. Bentley
S. Mitchell

Clifton Hill
F. Amarante
R. Collins
S. West

Essendon
D. Deprisco
T. Hancy
V. Raffa

Footscray
P. Leckie
F. Lopez
R. Storey

Geelong
J. Cody
J. O'Mara
B. Roche

Goulburn Valley
C. Craig
A. Kerris
P. O'Flaherty

Latrobe Valley
V. Beaton
M. Smith
A. Nabulsi

Melbourne
R. Carter
M. Santana
G. Tsotsos

Mordialloc
G. Burleigh
I. Nichol
P. Sullivan

Murray Valley
L. Fahey
S. Masterson
J. Salinger

Oakleigh
L. Bacolas
J. Medlyn
B. Smith

Preston
M. Collingburn
R. Lucas
N. Porter

Prahran
B. Giagnacovo
A. Medina
S. Delaney

Richmond
D. Blake
C. Commons
R. Hakainsson

South Western
K. O'Connor
A. Sargent
G. Sullivan

Sunraysia
A. Boldock
D. Costa
M. Dawes

Wimmera
R. Nesibit
G. Scott
A. Patterson

BUILDING UNIONS VIC DIVISIONAL BRANCH TRUSTEES

M. Kingham
B. Oliver
Vacant

M. Bingham
F. O'Grady
M. Baird

BUILDING UNIONS VIC DIVISIONAL BRANCH ORGANISERS

R. Welsh
T. Sinclair
R. Storey
W. Bingham
A. Medina
D. Jacobson
D. Noonan
P. Muldeary
H. Kotsabis
R. Carter
T. O'Kane
D. Riddell
G. Young
M. Kingham
M. Garcia

BUILDING UNIONS VIC DIVISIONAL BRANCH DELEGATES DIVISIONAL CONFERENCE

F. O'Grady
M. Kingham
V. Raffa
R. Williams
J. Saddington
M. Bingham

BUILDING UNIONS SA DIVISIONAL BRANCH

Divisional State President	A. Johnson
Divisional State Secretary	B. Carslake
Divisional State Vice President	G. Millar
Divisional State Vice President	D. Stapleton
Divisional State Assistant Secretary/Treasurer	T. Carroll
Divisional State Assistant Secretary/Treasurer	J. McGirr

BUILDING UNIONS SA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

BWIU	PLASTERERS	PAINTERS
F. Gosden	G. Parrish	George Tilley
T. Karrandjis	R. Watson	Greg Tilley
C. Morton	R. Bennett	Lambden
D. Sellmann	A. Spano	Weir
T. Middleton	S. Kesisoglou	McEwan
		Evans

BUILDING UNIONS SA DIVISIONAL BRANCH ORGANISERS

M. Gnatenko
H. Koemecker
M. Bella

BUILDING UNIONS SA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Carslake

BUILDING UNIONS ACT DIVISIONAL BRANCH

Divisional State President	R. Driver
Divisional State Secretary	G. Wason
Joint Divisional State Assistant Secretary	S. Hambesis

Joint Divisional State Assistant Secretary	T. Zeltner
Divisional State Vice President	K. Lundy
Divisional State Vice President	J. McHugh

BUILDING UNIONS ACT DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Pyner	J. Grey Reitz
A. Dillon	D. Rail
J. Long	G. Roderick
T. Lagoya	L. Lancsar
J. Diamante	B. Larke
G. McGowan-Lay	G. Cleghorn
P. Johnstone	P. Trapani

BUILDING UNIONS ACT DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

D. Thompson	G. Kirkwood
B. Norman	G. Frasin
C. Kaskoutas	W. Thompson
M. Morgan	J. Clyde
T. Gooden	R. Hemsley

BUILDING UNIONS ACT DIVISIONAL BRANCH TRUSTEES

G. Wason	R. Driver
S. Hambesis	K. Lundy
G. McGowan-Lay	

BUILDING UNIONS ACT DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

G. Wason

ATAIU DIVISIONAL BRANCH OFFICE HOLDERS

ATAIU DIVISIONAL OFFICERS

Divisional President	G. Hillier
Divisional Secretary	T. Smith
Divisional Assistant Secretary	C. Northover
Divisional Senior Vice President	S. Murphy
Joint Divisional Vice President	P. Illidge
Joint Divisional Vice President	B. King

ATAIU DIVISIONAL TRUSTEES

J. Tuckwell	Q. Cook
V. Stargatt	

Who form the Divisional Executive, and who with the following form the Divisional Conference

A. Roberg (SA)
C. Butler (TAS)
J. Gallogley (NSW)
M. Schuppan (NSW)
J. Beeson (VIC)
E. Swainston (VIC)
A. Dunlop (Pulp & Paper)
M. St Clair (SA)
B. Anderson (NSW)
J. Quartermaine (NSW)
B. Campbell (NSW)
B. Murpy (VIC)
M. Graham (Pulp & Paper)

ATAIU SA DIVISIONAL BRANCH

ATAIU SA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Young
Divisional Branch Secretary	Q. Cook
Divisional Branch Vice Presidents	M. St Clair
	A. Roberg

ATAIU SA DIVISIONAL BRANCH TRUSTEES

E. Cathro
J. Nicks
P. Martinella

Who form the Executive.

ATAIU SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

L. Barry
L. Kilsby
G. Schultz
B. Lockwood
T. Goodrich
F. Beimans
L. Pelkonen

ATAIU SA DIVISIONAL COUNCIL DELEGATES

M. St Clair
T. Smith
A. Young
Q. Cook

ATAIU NSW DIVISIONAL BRANCH

ATAIU NSW DIVISIONAL BRANCH OFFICERS

Divisional President	B. Anderson
Divisional Secretary	G. Hillier
Divisional Assistant Secretary	J. Tuckwell
Divisional Vice Presidents	G. Sacco
	J. Gallogley

ATAIU NSW DIVISIONAL BRANCH TRUSTEES

S. McDonald
B. Campbell
M. Schuppan

Who are officers and form the Executive.

ATAIU NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

W. Englert
S. Hudson
W. Sentance
C. Brooks
K. Yelverton
J. Quartermain
C. McGowan

ATAIU NSW DIVISIONAL COUNCIL DELEGATES

G. Hillier
J. Gallogley
J. Quartermain
B. Campbell
B. Anderson
S. McDonald
K. Yvelton

ATAIU VIC DIVISIONAL BRANCH

ATAIU VIC DIVISIONAL OFFICERS

Divisional President	V. Stargatt
Divisional Secretary	B. King
Divisional Vice Presidents	V. Iluk
	E. Swainston

ATAIU VIC DIVISIONAL BRANCH TRUSTEES

J. Beeson
B. Murphy
T. Carley

ATAIU VIC DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

J. Browne
P. Love
T. Stinton
S. Wilson
B. Harms
R. Owens
C. Walkear
P. Tait

ATAIU VIC DIVISIONAL COUNCIL DELEGATES

V. Stargatt
J. Beeson
B. Murphy
M. Lynch
E. Swainston

ATAIU TAS DIVISIONAL BRANCH

ATAIU TAS DIVISIONAL BRANCH OFFICERS

Divisional President	C. Butler
Divisional Secretary	S. Murphy
Divisional Vice Presidents	R. Ford
	D. Turriff

ATAIU TAS DIVISIONAL BRANCH TRUSTEES

C. Butler
R. Smith
S. Cahoon

ATAIU TAS DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

M. Barber
R. Foster
D. Harkes
B. Riley
S. Cahoon
R. French
N. Lincoln
R. Smith

ATAIU TAS DIVISIONAL COUNCIL DELEGATES

C. Butler
S. Murphy

ATAIU WA DIVISIONAL BRANCH

ATAIU WA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Cook
Divisional Branch Secretary	A. A'Vard
Divisional Branch Vice President	D. Murie
Divisional Branch Treasurer	R. Taylor

ATAIU WA DIVISIONAL BRANCH TRUSTEES

P. McCarthy
R. Henry
K. Smith

ATAIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

R. J. Smith
R. Reiter
V. McGlinn
G. P. Jaeschke
W. J. Hall
C. Hagelund
K. Cameron
J. Savage
M. Bennett

ATAIU NO. 7 DIVISIONAL BRANCH

ATAIU NO. 7 DIVISIONAL BRANCH OFFICERS

Divisional Branch President	P. Illidge
Divisional Branch Secretary/Treasurer	C. Northover
Divisional Branch Assistant Secretary/Treasurer	M. Graham
Divisional Vice Presidents	A. Dunlop
	R. Johnson

ATAIU NO. 7 DIVISIONAL BRANCH TRUSTEES

C. Northover
M. Graham

ATAIU NO. 7 DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

D. Garlick
T. Mackerell
N. Anderson
N. Allen
M. Donoghue
J. Wright
G. Aston
G. Morley
C. Glaubitz
D. McKay
P. Graham
T. Kelly

W. Hardy	G. Lincoln
G. Draper	T. Dwyer

ATAIU NO. 7 DIVISIONAL COUNCIL DELEGATES

C. Northover	M. Graham
P. Illidge	

ATAIU NOWRA SUB-BRANCH

President	Peter Graham
Senior Vice President	Harry Knowles
Junior Vice President	Tim Cato
Secretary-Treasurer	Mervyn Donoghue
Committee of Management	Rhonda Shelley
	Jim Evans
	Ray Clarke
	Alan Whitton
Delegate to No. 7 Branch	
Committee of Management	Mervyn Donoghue
	Peter Graham

ATAIU BURNIE SUB-BRANCH

President	George Draper
Senior Vice President	Barry Connors
Junior Vice President	Eric Edwards
Secretary-Treasurer	Geoffrey Lincoln
Committee of Management	
Alan Claridge	Graham Wells
Anthony Johnson	Andrew Crawn
Jack Wylie	Russell Norton
Danny Rowlands	Richard Troughton
Noel Stubbs	Rex Berry
Delegate to No. 7 Branch	
Committee of Management	Geoffrey Lincoln
	George Draper

ATAIU PORT HUON SUB-BRANCH

President	Barry Young
Senior Vice President	Colin McMullin
Junior Vice President	Jeff Parsons
Secretary-Treasurer	Wayne Hardy
Committee of Management	
Neville Burgess	Graeme Goaman
David Greatbatch	Ricky Cowen
Delegate to No. 7 Branch	
Committee of Management	Wayne Hardy

ATAIU MYRTLEFORD SUB-BRANCH

President	Vacant
Senior Vice President	Bruce Dale
Junior Vice President	Paul Ryan
Secretary-Treasurer	Trevor Dwyer
Committee of Management	Oliver Evans
	Colin Richardson
	Trevor Davis
	Robert Arnold
	Christopher Stone
Delegate to No. 7 Branch Committee of Management	Trevor Dwyer

ATAIU MARYVALE SUB-BRANCH

President	Neville Anderson
Senior Vice Persident	Charles Glaubitz
Junior Vice President	Cidge Fabris
Secretary/Treasurer	Graeme Morley
Committee of Management	
Steven Gilham	Robert Brown
Vernon Jones	Charles Stuart
Geoffrey Dorling	Brian McNamara
Peter Morris	Steven Mason
Wayne Snell	Vincent Nabel
Delegates to No. 7 Branch Committee of Management	Neville Anderson
	Charles Glaubitz
	Graeme Morley
Delegates Gippsland Trades & Labour Council	Graeme Morley
	Vernon Jones
	Brian McNamara
	Robert Brown

ATAIU SYDNEY SUB-BRANCH

President	Donald McKay
Senior Vice Pesident	Ron McElhinney
Junior Vice President	Edward Pram
Secretary-Treasurer	Philip Illidge
Committee of Management	
William Daly	Les Smith
William Flowers	Anthony De Bono
Harry Marshall	Wayne Trewella
Mark Skennerton	Joseph Bodor
Delegates to No. 7 Branch Committee of Management	Philip Illidge
	Donald McKay

ATAIU BROADFORD SUB-BRANCH

President	Vacant
Senior Vice President	Vacant
Junior Vice President	Vacant
Secretary-Treasurer	Len Allen
Committee of Management	Garry Nesbitt
	Terry Hobson
	Alan Cole
	Craig Waters
Delegate to No. 7 Branch Committee of Management	Len Allen

ATAIU MILLICENT SUB-BRANCH

President	John Wright
Senior Vice Pesident	Trevor Kelly
Junior Vice President	Richard Watts
Secretary-Treasurer	Robert Johnston
Committee of Management	Michael King
	Graeme Richards
	Mavis Kloock
	Graeme Richardson
	Gilbert Mouat
	Helen Walker
Delegates to No. 7 Branch Committee of Management	John Wright
	Trevor Kelly
	Robert Johnston

ATAIU MELBOURNE SUB-BRANCH

President	David Garlick
Senior Vice President	George Ashton
Junior Vice President	Vacant
Secretary-Treasurer	Alexander Dunlop

Committee of Management

William Horton	Stan Mazur
Terry Mackerell	Steve Morris
Tom Donelly	Ian James
Alex Miller	Michael Adamopolous

Delegates to No. 7 Branch Committee of Management	Alexander Dunlop
	David Garlick
	George Aston

Delegates to Victorian Trades Hall Council	Alexander Dunlop William Horton Terry Mackerell Malcolm Graham

UMW DIVISION

In accordance with Rule 42 - Transitional Provisions of the Rules of the Union being the National Rules the officers of the previously existing Mining Division immediately prior to the date of effect of the amalgamation shall be, on and from the date of effect of amalgamation the officers of the UMW Division which is the new name for the previous Mining Division and the only change therein shall be, to the extent necessary, the change in the title of office to reflect the change in the name of the Division from Mining Division to UMW Division.

FEDFA DIVISION

DIVISIONAL OFFICERS

Divisional President	M. McDonald
Divisional Secretary	V. Fitzgerald
Divisional Assistant Secretary	T. Maher

FEDFA DIVISIONAL EXECUTIVE

The Divisional Officers of FEDFA Division as set out above, and

I. Peel	New South Wales
J. Van Camp	Victoria
G. Betts	Queensland
G. Day	South Australia
B. O'Neil	Barrier
M. Grey	Tasmania
D. McIntyre	Western Australia

FEDFA DIVISIONAL CONFERENCE

The Divisional Officers of FEDFA Division and the Divisional Executive as set out above, and the following delegates from FEDFA Divisional Branches:

T. Maher	(NSW)
P. Jordan	(NSW)
B. Neilson	(VIC)
M. Hill	(VIC)
D. Holloway	(QLD)
G. Purtill	(QLD)
L. Wilson	(QLD)
B. Samson	(Barrier)
M. Buckley	(SA)
B. Low	(WA)
R. Harrison	(TAS)

FEDFA NSW DIVISIONAL BRANCH

Divisional Branch President	M. Smith
Divisional Branch Secretary	I. Peel
Divisional Branch Assistant Secretary	S. Gartrell

FEDFA NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above,

FEDFA NSW DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and regional delegates and organisers stated below,

Metropolitan
P. Wormleaton
R. Johnson
B. Francis
D. Whitehead
D. Dunn

Northern Region
N. Rose
M. Sealby
G. Webb
D. Owens
J. Nixon

Southern Region
K. Anderson
B. Barnham
G. Freeman
T. Potter

Western Area
R. Fuller
W. Williams

FEDFA NSW DIVISIONAL BRANCH ORGANISERS

Metropolitian
G. Avouris
T. Grant
S. Cochran

Northern
M. Beehag
S. Harding
L. Sinclair

Riverina
S. King
J. Wilson

Western
G. Childs

Southern
H. Miller

Mining
P. Jordan

Energy
A. Drew

FEDFA NSW DIVISIONAL BRANCH TRUSTEES

D. Dunn
L. Robinson
J. Owens

FEDFA NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

V. Fitzgerald

T. Maher
P. Jordan
I. Peel

FEDFA VICTORIAN DIVISIONAL BRANCH

Divisional Branch President	M. McDonald
Divisional Branch Secretary	J. Van Camp
Divisional Branch Assistant Secretary	M. Greenbury
Divisional Branch Vice President	M. Hill

FEDFA VICTORIAN DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

M. French
D. McDonald
D. Baker
J. Kadziela
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional Officers as set out above, and -

SECV Yallourn
P. Wilson

SECV Morwell
G. Reid

SECV LaTrobe
(vacant)

Country Provisional
W. Fleet
M. French
T. McKenzie
P. Skinner

Metropolitian
D. Baker
J. Kadziela

Organisers Rep.
A. Riley
M. Hallett
D. McDonald
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH ORGANISERS

W. Fleet
M. French
R. Hallett
M. Hill
A. Riley

TRUSTEES

M. McDonald
J. Van Camp

FEDFA VICTORIAN DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

J. Van Camp
M. McDonald
M. Hill
B. Nielson

FEDFA BARRIER DIVISIONAL BRANCH

Divisional Branch President	B. Samson
Divisional Branch Secretary	W. O'Neil
Divisional Branch Vice President	R. Hunter

FEDFA BARRIER DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above,

FEDFA BARRIER DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

D. Brennan	R. Adams
A. Fraser	B. Sayers
E. Snaith	

FEDFA BARRIER DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. O'Neil	B. Samson

TRUSTEES

R. Adams	B. Sayer
E. Snaith	

FEDFA TASMANIAN DIVISIONAL BRANCH

Divisional Branch President	B. Bishop
Divisional Branch Secretary	M. Grey

FEDFA TASMANIAN DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and - D. Dawson

FEDFA TASMANIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

Launceston	**Hobart**
D. Dawson	M. Hyland
Devonport	**Tullah**
(vacant)	T. Jones
Burnie	**Savage River**
L. Britton	R. Harrison
Rosebery/Lyell	**Organisers**
N. Hartnell	D. Moncrieff
	B. Best

FEDFA TASMANIAN DIVISONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

M. Grey R. Harrison

FEDFA WA DIVISONAL BRANCH

Divisional Branch President (vacant)
Divisional Branch Secretary (vacant)

FEDFA WA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

FEDFA WA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

P. Bates I. Douglas
T. Feeney D. Hellyer

FEDFA WA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

B. Low
(vacant)

FEDFA SA DIVISIONAL BRANCH

Divisional Branch President G. Bull
Divisional Branch Secretary G. Day
Divisional Branch Vice President F. Stonys

FEDFA SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Rogers R. Brewer

FEDFA SA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

J. Rodgers K. Maywald
F. Grosso F. Harrison
R. Brewer

ORGANISER

R. Brewer

FEDFA SA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

G. Day
M. Buckley

FEDFA QUEENSLAND DIVISONAL BRANCH

Divisional Branch President	D. Holloway
Divisional Branch Secretary	G. Betts
Divisional Branch Assistant Secretary	G. Wilson

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

S. Douglas	B. Scheuber
C. Swift	R. Coleman
L. Wilson	J. Spencer

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch State Management Committee as set out above, and -

M. Dowvendans	T. Quaid
L. Genrich	N. Rampton
R. Beattie	H. Heumiller
J. Rossington	C. Price
(vacant)	

FEDFA QUEENSLAND DIVISIONAL BRANCH ORGANISERS

D. Bloxsom	H. Heumiller
G. Flack	C. Price
C. Gillespie	T. Rosier
J. Rossington	B. Stacker
R. Tremlin	

FEDFA QUEENSLAND DIVISIONAL BRANCH TRUSTEES

D. Holloway	S. Douglas
G. Betts	L. Wilson

FFTS UNION DIVISION

DIVISIONAL OFFICERS

Divisional President	A. Findlay
Divisional Secretary	L. Kyriacou
Divisional Assistant Secretary	M. Haritou
Divisional Senior Vice-President	S. Wales
Divisional Junior Vice-President	D. Frater

FFTS UNION DIVISIONAL EXECUTIVE

The Divisional Officers of the FFTS Union Division as set out above, and

A. Smith	New South Wales
V. Robinson	Queensland

FFTS UNION DIVISIONAL CONFERENCE

The Divisional Officers of the FFTS Union Division and the Divisional Executive as set out above, and the following delegates from the FFTS Union Divisional Branches;

W. Brown	(VIC)
M. Findlay	(VIC)
R. Smith	(NSW)
R. Groat	(SA)
A. Cookson	(QLD)
R. Orange	(TAS)

FFTS UNION VIC. DIVISIONAL BRANCH

Divisional Branch President	M. Mitten
Divisional Branch Secretary	L. Kyriacou
Divisional Branch Assistant Secretary	A. Findlay
Divisional Branch Senior Vice-President	W. Brown
Divisional Branch Junior Vice-President	C. Avent
Divisional Branch Organiser	M. Haritou
Divisional Branch Organiser	R. Shugg

FFTS UNION VIC. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch Officers as set out above and -

A. Frazer	N. Hazeldine
G. Lee	P. Linzos
J. Maines	J. O'Brien
J. Patti	J. Robins
I. Whitcroft	L. Zanandrea
J. Calvert	

FFTS UNION NSW DIVISIONAL BRANCH

Divisional Branch President	R. Smith
Divisional Branch Secretary	S. Wales
Divisional Branch Assistant Secretary	R. Smith
Divisional Branch Vice-President	J. Callaway
Divisional Branch Organiser	Jack Lawrence

FFTS UNION NSW DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

J. Campbell	R. Davies
K. Campbell	W. Kraan
Robert Cumbo (Trustee)	Harry Irvine (Trustee)

FFTS UNION S.A. DIVISIONAL BRANCH

Divisional Branch President	R. Groat
Divisional Branch Secretary	D. Frater
Divisional Branch Assistant Secretary	S. Rowe
Divisional Branch Senior Vice-President	J. Emery

Divisional Branch Junior Vice-President	A. Reeves
Divisional Branch Organiser	S. Rowe
Divisional Branch Organiser	P. Wong
Divisional Branch Organiser	T. Woods

FFTS UNION S.A. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

B. Billington	M. Brownlie
P. Crisanti	A. Czora
A. Howlett	J. Salter
G. Whitford	

FFTS UNION QLD DIVISIONAL BRANCH

Divisional Branch President	G. William
Divisional Branch Secretary	V. Robinson
Divisional Branch Vice-President	A. Amos
Divisional Branch Assistant Secretary	A. Cookson

FFTS UNION QLD. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and - G. Dawson

FFTS UNION TAS DIVISIONAL BRANCH

Divisional Branch President	S. Negus
Divisional Branch Secretary	J. Gill
Divisional Branch Assistant Secretary	R. Orange
Divisional Branch Vice-President	C. Schoenwald
Additional Divisional Branch Executive member	W. Picken
Additional Divisional Branch Executive member	P. Green

FFTS UNION TAS DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

C. Sproule
W. Bandlow

END OF RULES

[105N-FED: incorporates alterations of 19/10/06 in matter R2006/330]

I CERTIFY under section 161 of Schedule 1 of the Workplace Relations Act 1996 that the pages herein numbered 1 to 92 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

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1 - NAME

The name of the Union shall be the "Construction, Forestry, Mining and Energy Union".

2 - CONSTITUTION

(A)(A)The Union shall consist of an unlimited number of persons whether male or female

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in

paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;
(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union shall consist of an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

(l) persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connexion with the production or preparation of manufactured goods, plant, machinery, equipment, packages or containers for sale or purposes of distribution.

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker

Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due

south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the:

(i) The Union shall also consist of all persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) The Union shall also consist of an unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board,strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) The Union shall also consist of such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby the Union shall also consist of an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members.

(E) Without limiting the generality of the foregoing and without being limited thereby the Union shall consist of:-

(a) An unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river, and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Union or a branch of the Union or whilst financial members of the Union are elected as representatives of any working-class organisation to which the Union or a branch thereof is affiliated, or as a working-class member of Parliament.

Provided that mobile crane drivers, operators of fork lifts and/or tow motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

(b) Further, provided that, without limiting the generality of the foregoing the Union shall also consist of the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connexion with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and

employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, the Union shall consist of employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the Union shall consist of an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation

and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work

Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler,

generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery

and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

4 - OBJECTS

1. To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial and social legislation.

2. To regulate the conditions under which all members, of the Union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or association, or association of Trades Unions or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Branches, Divisions, Divisional Branches, Sub-Branches, Districts or Sections of the Union throughout the Commonwealth of Australia.

7. To further any scheme that has for its object the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labour and Trade Union newspapers and wireless broadcasting and television stations, and to invest in shares in such newspapers and radio and television stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide labour or Trade Union Organisation or Association.

10. To establish and manage a Union Journal or Journals.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

14. To render legal and other assistance to members, to protect the interests of the Union in all its Branches and to assist other trade unions by any legal method.

15. To obtain such other objects as the National Conference or National Executive shall from time to time determine.

16. To organise the education of members.

17. To establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Divisional or Divisional Branches.

18. The advancement of members intellectually, morally and socially and to do all things which, in the opinion of the Union, is in the interest of members including donations to political parties, the achievement of compulsory unionism, preference in employment, retrenchment, promotion, demotion and transfer in employment, the production and distribution of newspapers, journals and the like.

19. To achieve such other objects as may be lawfully adopted by any Division of the Union.

20. To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

"UNION" shall mean this Union and shall include all its Divisions, Branches, Divisional Branches and/or any other section or part of the Union.

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"PROPORTIONAL REPRESENTATION" shall mean a system of representation at Committees, Conferences, Executives or the like which, as far as practicable, will provide for voting on a basis which

reflects the number or percentage of financial members, as calculated in accordance with these rules, that each person on such Committee, Conference, Executive or the like, represents.

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast then that candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then that candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the vote preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Mining and Energy Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Workplace Relations Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

(ii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Rules of the Union may require, and shall, when requested, fill in and sign such application form as may be provided.

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v)(a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of

application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

(vii) A member shall, when applying for membership be informed of the financial obligations arising from membership and the circumstances, and the manner, in which a member may resign from the organisation and shall be informed of such in writing.

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be

reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

(ii) Any member who has failed to pay the entrance fees, or contributions, levies and fines imposed in accordance with the rules of the union on or before the date specified in such rules, shall be deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant for admission or exercise any authority or any membership rights, provided that the rules may provide that some members or some class or classes of members may vote in a ballot and/or may differentiate between classes of members as to the amount of any contribution and/or entrance fee.

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.202 of the

Industrial Relations Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

(i) A member desiring to transfer to any other union covering their calling shall make application to the Divisional Branch Secretary, or where the rules of the union so provide, Divisional Sub-Branch, in writing, and shall pay all dues owing to the union, and the transfer will be forwarded to the Secretary of the union to which the member desires to transfer. Such member shall cease to be a member of this Union as from the date on which the transfer is forwarded to the Secretary of such other union.

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

(iii) A clearance shall not be granted to any member unless all moneys owing have first been paid.

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

A register of members and any other records of the Union required to be kept by the Industrial Relations Act and the Regulations made thereunder shall be kept at the registered office of the Union and so far as such records relate to a Division or Divisional Branch at the registered office of that Division or Divisional Branch.

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from

amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.
Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one

calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telegram or telex.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, telephonic, telegraphic, telex, verbal and/or written vote (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) (a) The National Executive Committee shall consist of the National Principal Officers, being the National Secretary of the CFMEU, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Forestry, Furnishing, Building Products and Manufacturing Division, the General President of the Mining and Energy Division; together with the fulltime elected Officers of each Division who are fulltime at the National level and are not already one of the aforementioned National Principal Officers; two (2) Divisional Assistant Secretaries of the Forestry, Furnishing, Building Products and Manufacturing Division, one of whom shall be the Principal Officer of the Pulp and Paper Industry Sector and the other of whom shall be the Principal Officer of the Furnishing Industry Sector; and the Divisional President, and two (2) Divisional Assistant Secretaries of the Construction and General Division if not otherwise included.

(b) Without affecting the term of office of persons holding office as National Executive Committee members immediately prior to the date of certification of this sub-rule, the National Executive Committee shall, on and from 1 July, 2006 consist of the National Principal Officers, being the National Secretary, National President, National Assistant Secretary and an additional National Assistant Secretary of the union together with such of the following elected officers of each Division at a National level namely:-

- in the case of the Construction and General Division, the Divisional Secretary, two (2) Divisional Assistant Secretaries, the Divisional President and the full time Divisional Senior Vice-President

- in the case of the Forestry, Furnishing, Building Products and Manufacturing Division, the Divisional Secretary, two (2) Divisional Assistant Secretaries and the Divisional President

- in the case of the Mining and Energy Division, the General President, the General Secretary, the General Vice-President and the Senior Vice-President

who are not one of the aforementioned National Principal Officers.

Provided however that in addition to the above the Construction and General Division shall be entitled to two (2) additional National Executive Committee members elected by and from the Construction and General Division Divisional Conference.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive and National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six (6). A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a facsimile, telephonic, email, written and/or postal vote of members of the National Executive or National Executive Committee at any time. Members of the National Executive or National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or facsimile or email or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or email.

15 - NATIONAL EXECUTIVE

(i) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

(ii) The National officers shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

(iv) The National Executive shall, unless its actions are overturned by the National Conference, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds and property of the Union and shall have and may exercise no more and no less than all of the powers of the National Conference and, without limiting the generality of the foregoing may:

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Industrial Relations Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

* in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

16 - ELECTION OF NATIONAL OFFICERS

(i) The National Secretary, National Assistant Secretary and National President (and on and from 1 July, 2006, an additional National Assistant Secretary) shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, for Divisions with more than one Divisional Branch, each Division shall be represented by at least one Officer who shall be the principal officer of that Division.

Further provided that until 30 June, 2006, for Divisions with more than one Divisional Branch, each Division shall hold at least one position of Joint Vice President as follows:

* Joint Vice President (Construction and General Division)
* Joint Vice President (FFPD Division)
* Joint Vice President (Mining & Energy Division)

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions by resolution from that Division's Divisional Conference.

Further provided that until 30 June, 2006**,** there shall be a Principal Officer of the FFPD Division representing the former FFTS Division who shall be a National Senior Vice-President. Such officer shall be and remain a member of the National Executive and the National Executive Committee.

Further provided that the Construction & General Division Senior Vice-President (former National Secretary of the OPDU) shall be a National Vice-President and shall be and remain a member of the National Executive and National Executive Committee.

Until 30 June, 2006 all existing full-time officers of each Division, not otherwise elected to any of the foregoing positions, shall be and remain members of the National Executive Committee.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office

or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office. Further provided that in the case of a vacancy in one or more of the National Principal Officer positions, the National Executive may fill such office by appointment from the National Conference delegates. Provided however that any such appointment/s shall ensure that each Division shall have at least one representative amongst the four National Principal Officers.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by post, letter, telegram, telephone, telex, facsimile and/or verbally as soon as the count is completed.

(ix) In any ballot of the National Collegiate for the election of National Officers, the representatives of each of the Divisions shall cast votes proportionate to the membership of their respective Divisions determined in the same way, the necessary changes being made, as votes cast by delegates to the National Conference in accordance with Rule 13(iii) and (iv) herein.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(ii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iii) Except in the case of the Mining & Energy Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) That nominations are called in accordance with the rules of the Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) That the nominations process, closure and receiving of, are in accordance with the rules of the Division.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) Officers of all Divisional Branches holding such office at the date of amalgamation shall remain in office until the general election of officers held in 1996 and shall be eligible to nominate in that election. In this paragraph officers of all Divisional Branches shall mean officers of branches of the amalgamating unions being the persons listed in the schedule hereto.

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the

names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall, in accordance with the Rules of the Division, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only:-

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) The candidate's statement provided for in accordance with sub-rule (h) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail all ballot papers, in accordance with the Rules of the Division.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed closed in accordance with the rules of the Division.

(r) That the opening and closing of the ballot shall be in accordance with the rules of the Division.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the

necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

"Preferential Voting" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter gives as their first preference, and shall place the number 2, 3, 4 (and so on as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the preference for them. In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate. If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference. If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preference shall be the same as is above

prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except Mining and Energy Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(ii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iii) The Divisional Officers at a national level shall be members of that Divisional Executive.

(iv) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

Any Officer may be removed from office by majority decision of the National Executive, provided that such officer shall not be dismissed from office unless found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

Any officer so removed from office shall have the right of appeal to the National Conference. In the event of the appeal being upheld the National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

National Executive shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS/MEMBERS

1. The following sets out the duties of the National Officers outlined herein. The National Secretary shall be a full time position. The wages and costs relating to the office of the full time officer shall be borne by the Union.

2. National President:

The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

The National President shall have a deliberative vote only.

The National President shall perform all duties assigned to him/her by the National Conference or National Executive and shall be responsible with the National Secretary for the allocation of duties and responsibilities arising from decisions of the National Conference or the National Executive.

3. National Secretary:

The National Secretary shall be responsible for the general correspondence of the Union, National finance, filing of documents, industrial returns and the carrying out of decisions made by National Conference or National Executive.

The National Secretary shall have the power, subject to decisions of the National Executive and/or National Conference, to appoint, control and dismiss the clerical, industrial, research and

accountancy staff of the National Office and allocate duties and responsibilities within the National Office.

The National Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the National Office, together with a statement of the assets and liabilities of the National Office for the year ending 31st December in each year.

Such financial statement shall be presented to the National Executive for its approval and be published within the journal of the National Union.

The National Secretary shall carry out such other functions as shall be determined from time to time by the National Conference or National Executive.

The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretaries:

National Assistant Secretaries shall perform all duties assigned to them by National Conference and National Executive. They shall attend all meetings of National Conference and National Executive.

5. Vice-President/s:

The Vice-President shall assist the National President in the conduct of meetings and in the absence of the National President, shall act as President.

He/She shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

6. Members of National Executive and Delegates to National Conference:

Members of National Executive and delegates to National Conference shall attend meetings of those bodies when summoned so to do.

7. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

8. No officers, employees, delegates or members shall be required to do, or required to omit to do, any act in breach of legislation applicable to the CFMEU.

9. Except as provided for by resolution of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof), it shall not be part of the duties of any delegate/steward, officer or employee, including organisers, whether temporary or not, to threaten, initiate, counsel, procure, induce, be involved in, engage in or be party to industrial action as defined by the Workplace Relations Act 1996 or building industrial action as defined by the Building and Construction Industry Improvement Act 2005.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

Provided that each Division/Divisional Branch is responsible to meet all costs associated with the operation of its Division/Divisional Branch, including all costs associated with the attendance and participation by their representatives at meetings, including National Conference, National Executive Committee unless decided otherwise by the National Executive Committee.

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. No funds shall be drawn from the Bank or financial institution except by cheque signed by two persons who are a National Secretary, National Assistant Secretary, National President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President or National Assistant Secretary. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

The Auditor shall, in the report, draw attention of the National Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Union.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the National Secretary of a petition, signed by not less than 5% of the members of the Union, requesting that a general meeting of members of the Union be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the National Office, the National Secretary shall convene such meeting as soon as is practicable.

25 - ALTERATION OF RULES

(a) The rules of the Union, or any of them, may be altered, rescinded, varied or made by the National Conference and/or National Executive. Proposals for alterations of rules may be forwarded by Divisions, Branches or any member of the National Executive or delegate to the National Conference and shall be forwarded to members and/or delegates with the notice calling the National Conference or National Executive, as the case may be, or so soon thereafter as is practicable. Provided that National Conference or National Executive may, in session, alter rules of which previous notice has not been given.

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telegraphic, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Industrial Relations Act (Commonwealth) or the regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the Industrial Relations Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

These National Rules and all the rules of the Union, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisions, Branches, and Divisional Branches and all sections of the Union and on all members who now, or who may hereafter, belong to the Union until they are made or become null and void according to the law.

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each division shall have autonomy in relation to its funds and property.

(iv) Each Division shall have rules and have power to make, alter or rescind such rules, to be called Divisional Rules. Without limiting the generality of the foregoing paragraph, each Division shall have power to determine policy for that Division, not inconsistent with the rules and policy of the Union as decided by National Conference or National Executive.

(v) If there is any environmental matter that directly affects the employment of members of one Division only, then that Division whose members are so affected shall have the power to determine the policy of the Union on that matter.

(vi) Divisions shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland, New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.202 of the Industrial Relations Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of state unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or National Assistant Secretary or any person authorised by a National Secretary or National President or National Assistant Secretary so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary or any person authorised by a Divisional Secretary or Divisional Assistant Secretary may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, Divisional Secretary or Divisional Assistant Secretary, or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests

issued by a Divisional Secretary or Divisional Assistant Secretary or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National Assistant Secretary, National President, Divisional Secretary and/or Divisional Assistant Secretary shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.

(g) The taking of industrial action (within the meaning of the Workplace Relations Act 1996), building industrial action (within the meaning of the Building and Construction Industry Improvement Act 2005) or picketing by members is not authorised by the union without the consent of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof).

Provided however that the preceding paragraph shall not restrict the right of a person or body duly authorised by such a committee of management to authorise industrial action in accordance with s 446 (1)(a) of the Workplace Relations Act 1996, or any successor provisions thereto.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 361 Kent Street, Sydney in the State of New South Wales, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

Where a Division ceases to exist and the Union continues, the property of that defunct Division shall be vested in the Division to which the members of the defunct Division are allocated.

Where the Union is dissolved the property of the Union shall be vested in the trustees of each existing Division at the time of dissolution for the benefit of the members thereof on the basis that each such

Division will continue to hold its own property and funds and any property or funds not vested at the time of dissolution in a Division shall be divided between the existing Divisions on a basis proportionate to the membership of each such Division.

35 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members may be sued for in the name of the Union by the National Secretary or by the Divisional Secretary, or Divisional Branch Secretary to which the member is attached, or by any other person or body authorised by the rules of the Union including the rules of any Divisional Branch or the Rules of any Division.

36 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy shall be decided by a majority of the National Conference or National Executive and shall not exceed $50.00 and when so decided shall be binding on all members or sections of members as National Conference or National Executive may decide.

(iii) A Division or Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

(a) If the National Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a rule, to a vote of National Conference or National Executive at any time when it is inconvenient to call National Executive or National Conference together, the National Secretary may submit a resolution dealing with the matter to the delegates or members, by letter, facsimile, telegram, telephone, email, in writing, by computer link and/or by any other means of communication.

(b) A copy of such resolution shall, as soon as practicable thereafter, be sent to each Branch Secretary and each Divisional Secretary. The votes on such resolution shall be returnable to the National Secretary at such time as the National Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.

(c) Provided that where no record can be kept of the vote and/or decision, such a record shall be created and a copy of that record sent to each person entitled to vote or, in the case of computer linkages, the record is such that it can be viewed and/or copied by the person entitled to vote.

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch

Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

1. All motions shall be of an affirmative character and must be moved and seconded by delegates or members. Such motions become the property of Conference or Executive and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates or members present agree to an extension of time.

2. Unless a delegate or member rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

3. A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

4. A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

5. Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

6. All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chairperson's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

   If the votes are equal the question is resolved in the negative.

7. A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates or members present agree to an extension of time.

8. Right of Speaker: Any delegate desiring to speak shall rise and address the chairperson. If two or more delegates or members rise at the same time the chairperson shall call upon the one who, in the Chairperson's opinion, first rose. Provided that no delegates or members can speak more than once upon any question (which shall include the original motion and all amendments thereto) before Conference or Executive, except -

   (a) In reply as the mover of the original motion.
   (b) In explanation or correction of some matter during the debate.
   (c) Upon a point of order raised during the debate.
   (d) Upon a resolution being carried "that the delegate now be heard".

9. A delegate or member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by that delegate or member.

10. No more than two delegates or members shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

11. Any delegate or member speaking shall at once resume their seat -

(a) If the chairperson rises to speak; or
(b) If a point of order is raised.

and shall not resume their speech until the point of order is decided.

12. No delegate or member may speak to any question after it has been put by the chairman or during the taking of the vote.

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of Conference.

CHAIRPERSON'S RULINGS

The chairperson's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by Conference or Executive. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the delegates or members present for Conference or Executive to suspend the order of business.

SITTING AS A COMMITTEE

Conference or Executive may at any time, by a resolution agreed to by a majority of delegates or members present, resolve itself into a committee of the whole. The rules governing the business of Conference or Executive shall be observed when in Committee.

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

The National Executive, the State Executive, a Divisional Executive or a Divisional Branch Management/Executive Committee may, in their absolute discretion, summon meetings of members over which they have authority and/or responsibility from time to time.

If such meeting is called notice shall be given in a union journal circulating in the area covering the members to which the meeting relates or in a mass circulation daily newspaper circulating in the area in which the meeting is to be held and such publication shall be issued at least fourteen days before the date of the meeting. The notice of such meeting shall specify the day, the date, the time and the place of such meeting.

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the Industrial Relations Act 1988, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, telex, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the

CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee, following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted

(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) deleted

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary

shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - Divisional Restructuring (FEDFA)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps which steps may deal with one Division at a time, Divisional Branches within a Division and/or the Divisional Office of any particular Division.

2. In relation to the above, the FEDFA Division shall be restructured in steps which shall involve:

(a) The abolition of full-time Divisional Officers at a national level and the allocation of responsibility for the FEDFA Division between the Building Unions Division and the UMW Division;

(b) The allocation of full-time Divisional Officers of the FEDFA Division to the Building Unions Division and the UMW Division;

(c) The continued operation of the Divisional Branches of the FEDFA Division with the intent, over time, of the restructuring of said Divisional Branches in accordance with Rule 42, into the Building Unions/Construction and General Division, UMW/Mining & Energy Division and the ATAIU/Forestry Division;

(d) The payment of capitation fees by FEDFA Divisional Branches to a designated fund which shall be administered by the Divisional Secretary of the FEDFA Division or, if or when that Office is abolished by the former Divisional Secretary and the Divisional Secretaries of the Building Unions and/or Construction and General Division and the UMW and/or Mining and Energy Division.

(e) The continued meeting of the Division Executive of the FEDFA Division for so long as is necessary before the complete restructuring of the FEDFA Division is effected in accordance with Rule 42.

3. On and from 27 September 1993, in accordance with the above procedure, the current Divisional Secretary of the FEDFA Division shall be and become the Divisional President of the Building Unions Division and the current Divisional Assistant Secretary of the FEDFA Division shall be and become a Divisional General Vice-President of the UMW Division and upon translation in accordance with Rule 42 (iii), shall hold the corresponding offices in the Construction and General Division and the Mining & Energy Division respectively.

4. The current Divisional Secretary and Divisional Assistant Secretary of the FEDFA Division shall continue to hold those positions in the FEDFA Division on an honorary basis until such time as the FEDFA Division no longer meets on a national basis.

5. This Rule shall come into force after its adoption by the National Executive and agreement thereto by the FEDFA Divisional Executive, UMW Divisional Executive and Building Unions Divisional Executive and thereupon shall be registered with the Australian Industrial Registry and shall take effect upon registration, or 27 September 1993, whichever is the later.

6. Further to the above provisions, and notwithstanding any other rule of the Union to the contrary, during the process of restructuring, any Divisional Branch of the FEDFA Division may reach agreement with any or all of the UMW Division/Mining & Energy Division and/or the Building Unions Division/Construction and General Division and/or the Forestry Division or the relevant Divisional Branches thereof to transfer members and officers of the FEDFA Division to any and/or all of the other aforementioned Divisions. Such agreement shall be reached with the approval of the Management Committee or its equivalent in each Divisional Branch and the officers concerned. Any such Divisional Branch may reach agreement on some or all of the matters relating to such transfer and, failing agreement on any or all of such matters, refer the matters by agreement to the National Executive for decision. Until such time as there no longer exists an FEDFA Division in accordance with the Rules of the Union, all such officers transferred shall, notwithstanding the holding of positions in other Divisions, continue to hold the office or position in the FEDFA Division on an honorary basis and shall, to the extent that the Rules require same, continue to perform the functions associated with that office in relation to the FEDFA Division. All agreements in relation to the transfer of members and officers shall be notified to the National Executive Committee and attached to the Minutes thereof. Such agreements shall have force and effect in accordance with the terms thereof and from the date of effect of that agreement as specified in that agreement, or failing any specification thereof, on the date of the agreement.

7. The following table shows the restructuring of the FEDFA Division, merging with the appropriate Union Division to create Industry Divsions:

	(	merged with	)
STATE	CONSTRUCTION AND GENERAL	MINING AND ENERGY	FORESTRY
National Office	27 Sept 1993	27 Sept 1993	
Queensland	4 Feb 1994	1 Jan 1993	
New South Wales		Northern 2/4/93 Southern 1/7/93 Western 8/4/93 Energy 21/7/93	
Tasmania	31 July 1996	24 August 1996	1 Jan 1994

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Sth Aust	1 Aug 1993	1 Aug 1993
West Aust	1 Sept 1993	1 Sept 1993
Victoria	1 Aug 2003	2 Jan 2001
Barrier		1 July 1996

42B - Merger with ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DIVISIONAL RESTRUCTURING (FFTS)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps, such steps may deal with one Division at a time and/or Divisional Branches within a restructured Division at a time.

2. In relation to the above, the FFTS Division shall on and from the 11th February 2002, be restructured in the first instance into the Forestry Division to form “The Forestry, Furnishing, Building Products and Manufacturing Division” (FFPD) which shall result in:

   (a) The abolition of full-time FFTS Divisional Officers at a national level and the allocation of responsibility for the FFTS Division to the restructured Division.

   (b) The allocation of Divisional/Branch Office Holders of the FFTS Division to the Office Holders positions of the restructured Division.

(c) The continued operation of the Victorian and Queensland Divisional Branches of the FFTS Division within the restructured Division of up to four years beyond the expiration of the eight years referred to in sub-rule 42(xii). This sub-rule shall not otherwise affect the operation of sub-rule 42(xii). For the avoidance of doubt, the four years referred to in this sub-rule shall expire on 26 March 2005.

3. Further to the above provisions and notwithstanding any other rule of the Union to the contrary, the FFTS Victorian Branch shall unless otherwise agreed by the FFTS Victorian Branch Management Committee maintain its current structure and existence within the restructured Division up until 26 March 2005.

4. Prior to the 26 March 2005, the FFPD (which shall include representatives of the former FFTS Division) and the Construction & General Division (which shall include representatives from the National Office and all interested Branches) will meet under the chairpersonship of the National Secretary of the CFMEU to reach agreement to finalise translation/integration provisions intended by the respective Schemes of Amalgamation and the Rules of the Union in respect to the Forestry, FFTS and C&G Divisions.

5. Should agreement not be reached between the Divisions the matter shall be referred to the CFMEU National Executive to determine in accordance with the Schemes of Amalgamation and Rules of the Union.

6. Until the elections scheduled to be held in August 2004 the FFPD shall be constituted and represented as follows:-

(a) Divisional Conference shall consist of:-

(i) Forestry Division Representatives

Trevor Smith	SA	Jane Calvert	VIC
Paul Martinella	SA	Andy Laing	VIC
Mark Nicholls	SA	Ian Mullen	VIC
Brenton Lockwood	SA	Michael O'Connor	VIC
Scott McLean	TAS	Brad Platschinda	VIC
Colin Butler	TAS	Bevan Anderson	NSW
Gary Jaeschke	WA	Bruce CampbellNSW	
Christopher Northover	P&P	Craig Smith	NSW
Phillip Illidge	P&P	Eileen Anderson	NSW
Alex Millar	P&P	Kenneth Miller	NSW
Debbie Brennan	P&P		

(ii) FFTS Division Representation

Jim Emery	SA	Leo Skourdoumbis	VIC
David Kirner	SA	Frank Vari	VIC
Brad Parker	NSW	Joe Patti	VIC
Greg Williams	QLD	Cliff Palmer	VIC
John O'Brien	VIC	Alwin Seneviratne	VIC

(iii) Representation

Representation of the Forestry and FFTS Division Branches shall be in accordance with Rule 8 of the Forestry Division Rules.

(b) Divisional Executive shall consist of:-

(i) Jane Calvert Divisional President

Phillip Illidge	Divisional Snr V/President
Brad Parker	Divisional V/President
Craig Smith	Divisional V/President
Trevor Smith	Divisional Secretary
Chris Northover	Divisional Snr Assistant Secretary (Honorary)
Michael O'Connor	Divisional Assistant Secretary
Leo Skourdoumbis	Divisional Assistant Secretary (Honorary)
Kenneth Miller	Divisional Trustee
Dave Kirner	Divisional Trustee
Frank Vari	Divisional Trustee
Scott McLean	Divisional Trustee
Paul Martinella	Divisional Executive Member
Greg Williams	Divisional Executive Member
Gary Jaeschke	Divisional Executive Member

(c) FFPD NSW Branch Executive/Committee of Management

Brad Parker	Joint President (full-time)
Bevan Anderson	Joint President (Honorary)
Bruce Campbell	Snr V/President
Jayne Willet	Jnr V/President (AA)
Tom Abramovic	Jnr V/President
Craig Smith	Secretary
Sala Taalilil	Trustee
Eileen Anderson	Trustee (AA)
Peter Reilly	Trustee
Ronnie Watson	Trustee
Kenneth Miller	Trustee
Alan Lanyon	Committee Member
Barry Barrakett	Committee Member
Cheryl Hampton	Committee Member
Kerry Hickey	Committee Member
Mark Thompson	Committee Member
Michael Schuppan	Committee Member
Peter StClair	Committee Member
Anthony Ovington	Committee Member

(2 Vacant COM positions to be filled by FFTS)

(d) (a) FFPD VIC FFTS Branch Executive/Committee of Management

Joe Patti	President
Cliff Palmer	V/President
John O'Brien	V/President
Leo Skourdoumbis	Secretary
Frank Vari	Assistant Secretary
Michael Doran	Trustee
Ernie Landolt	Trustee
Les Ford	Trustee
Florencio P Carrion	Committee Member
Eric Maher	Committee Member
Jeffery Connor	Committee Member
Brenda Crawford	Committee Member
Penny Lintzos	Committee Member
James Maine	Committee Member
Alwin Seneviratne	Committee Member
Greg Wheeler	Committee Member
Chris Christou	Committee Member
Damian Cooke	Committee Member
Ian Morris	Committee Member

(b) FFPD VIC Forestry Branch Executive/Committee of Management

Andy Laing	President
Ian Mullen	Snr V/President
Andrew Wareham	V/President
Kim Mason	V/President (AA)
Jane Calvert	Secretary
Yorick Piper	Assistant Secretary
Kevin Wyley	Trustee
Clare Burford	Trustee (AA)
Ken Tonkin	Trustee
Mark Nelson	Trustee
Ricky Owens	Committee Member
Bob Salmnon	Committee Member
Wayne Smith	Committee Member
Neil Saunders	Committee Member
David Sheppard	Committee Member
Sunsera Verhoven	Committee Member
Anthony Jones	Committee Member
Duncan Ingram	Committee Member
Graeme Howe	Committee Member

(1 vacant COM AA position to be filled)

(e) FFPD Pulp & Paper Branch Executive/Committee of Management

Phillip Illidge	President
Robert Johnston	Snr V/President
Alex Millar	Jnr V/President
Chris Northover	Secretary/Treasurer
Grant Keys	Trustee
Chris Northover	Trustee
Alex Millar	Trustee
Geoff Gasperotti	Committee Member
Wayne Hardy	Committee Member
Andrew Ball	Committee Member
Greg Stewart	Committee Member
David Jessup	Committee Member
Mervyn Donoghue	Committee Member
Tom Blacka	Committee Member
Craig Waters	Committee Member
Ken Fraser	Committee Member
William Davey	Committee Member
Greg Godde	Committee Member
Trevor Sinclair	Committee Member
Marne Gurney	Committee Member

(f) FFPD SA Branch Executive & Committee of Management

Jim Emery	President
Mark Nicholls	Snr V/President
Tony Howlett	V/President
Maree Gale	V/President
Paul Martinella	Secretary
David Kirner	Assistant Secretary
Steve Crafter	Trustee
Tom Kenny	Trustee
Ross Bennetta	Trustee
Leonie Kiploks	Trustee (AA)

Karen Cory	Committee Member
Mark Vickers	Committee Member
Peter Nelson	Committee Member
Greg Muhovics	Committee Member
Andrew Sampson	Committee Member
Kym Isaacson	Committee Member
Peter Starr	Committee Member
Bill Burns	Committee Member
Bernie Maguire	Committee Member
Laurie Barbary	Committee Member

(1 Vacant COM AA position to be filled by FFTS)

(g) FFPD TAS Branch Executive & Committee of Management

Colin Butler	President
Angela Lord	Snr V/President
Narrelle Bassett	V/President (AA)
Anthony Clay	V/President
Scott McLean	Secretary
Shiralee Gillespie	Trustee (AA)
Ronald Brown	Trustee
Leanne Hardy	Trustee (AA)
Lindsay Hills	Trustee
Robert Bowden	Committee Member
Paul Worker	Committee Member
Peter Mason	Committee Member
Margaret Watson	Committee Member
Kylie Dundas	Committee Member
Joseph Kelly	Committee Member
Anthony Barnes	Committee Member
Adrian Littlejohn	Committee Member

(h) FFPD QLD Branch Executive/Committee of Management

Ursula Korableff	President
Desmond Flanagan	V/President
Stephan Williams	V/President
Greg Williams	Secretary
Rodney Black	Committee Member
Vincent Breen	Committee Member
John Forrest	Committee Member

(i) FFPD WA Branch Executive/Committee of Management

John Rudge	President
Vincent Preedy	Snr V/President
Douglas Ashcroft	V/President
Gary Jaeschke	Secretary (Honorary)
John Cleary	Trustee
Garry Rampling	Trustee

7. This rule shall come into force on and from 11 February 2002 in accordance with the unanimous decision of the National Executive and shall be registered with the Australian Industrial Registry.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State or

Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS

(i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

Nothing in this Rule prevents the Branch from entering into an agreement with a Trade or Industrial Union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or on a basis on which the funds are held in common or jointly so long as the funds are treated, for all purposes, insofar as they relate to members of the Branch, as funds of the Branch.

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

The Auditor shall, in the aforesaid report, draw attention of the State Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Branch.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made pursuant thereto.

Upon receipt by the State Branch Secretary of a petition, signed by not less than 5% of the members of the State Branch, requesting that a general meeting of members of the State Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the State Branch, the State Branch Secretary shall convene such meeting as soon as is practicable.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

SCHEDULE OF OFFICERS REFERRED TO IN RULE 42 (xiv) (a)

POSITION	PERSON TO HOLD POSITION
NATIONAL UNION	
** Joint National Secretary	Stanley Sharkey
** Joint National Secretary	Vic Fitzgerald
** Joint National President	John Maitland
** Joint National President	Trevor Smith
** National Assistant Secretary	John Sutton
** National Senior Vice President	Lou Kyriacou
* National Senior Vice President	Albert Littler
National Senior Vice President	Bill Ethell
Joint National Vice President	Christopher Northover
Joint National Vice President	Kenneth Hawkins
Joint National Vice President	Malcolm McDonald
Joint National Vice President	Thomas Burke
* FEDFA Divisional Assistant Secretary	Tony Maher
* BWIU/Plasterers Divisional Assistant Secretary	Lindsay Fraser
* ATAIU Divisional Assistant Secretary	Chris Northover
* UMW Divisional General Secretary	Eric A Wilks
* UMW Divisional Vice President	Kenneth Hawkins

NATIONAL EXECUTIVE COMMITTEE shall consist of the six (6) principal officers (marked **) plus the other full-time Divisional Officers of each Division (marked *).

NATIONAL EXECUTIVE shall consist of the persons who constitute the National Executive Committee set out above and the Divisional Branch Secretary of each Divisional Branch of each Division set out herein and shall, in accordance with Rule 42 (viii) (a) include the National President and National Secretary of the former OPPWF. This body shall also include the Divisional Branch Secretaries from Victoria, New South Wales, South Australia and Queensland of the FFTS Union Division.

It also includes the South Australian, Victoria and Queensland Branch Secretaries and the NSW Branch Assistant Secretary of the former OPDU.

NATIONAL CONFERENCE shall consist of the persons listed as the members of the four (4) divisional executives set out herein until 2 January 1997, the following shall also be a delegate,

T. Richardson - Secretary of former OPPWF, Queensland Branch.

The National Conference shall also include the persons (as set out herein) comprising the Federal Executive of the FFTS Union Division while that Union Division remains autonomous.

BRANCHES OF THE UNION

NEW SOUTH WALES BRANCH

New South Wales State Officers

Joint NSW State Secretary	Dennis Matthews
Joint NSW State Secretary	Ian Peel
Joint NSW State President	Gavin Hillier
Joint NSW State President	Michael Watson
Joint NSW State Assistant Secretary	Andrew Ferguson
Joint NSW State Assistant Secretary	Alf Rankin
Joint NSW State Senior Vice President	Thomas Burke
Joint NSW State Senior Vice President	Peter McClelland
Joint NSW State Senior Vice President	Edward Curran
Joint NSW State Senior Vice President	Sid Wales
Joint NSW State Vice President	Bevan Anderson
Joint NSW State Vice President	Howard Fisher
Joint NSW State Vice President	Mick Smith
Joint NSW State Vice President	Gary McArthur

New South Wales State Executive

Shall consist of the abovenamed persons being the NSW State Officers together with the persons who are the full-time Divisional Branch officers, other than organisers, of each Divisional Branch, being,

ATAIU NSW Divisional State Assistant Secretary, Joyce Tuckwell
FEDFA NSW Divisional State Assistant Secretary, Scott Gartrell
FFTS NSW Union Divisional State Assistant Secretary, Rex Smith

New South Wales State Conference

Shall consist of the persons who constitute NSW State Executive as listed above (i.e. including NSW State Officers) and the persons being the other members of ATAIU NSW Divisional Branch Management Committee and the Building Unions NSW Divisional Branch Management Committee and the UMW Divisional Branch Management Committee, and the FEDFA NSW Divisional Branch Management Committee and the FFTS Union Division NSW Branch Management Committee listed herein.

VICTORIAN BRANCH

Victorian State Officers

Joint Vic State Secretary	John Van Camp
Joint Vic State Secretary	Vince Raffa
Joint Vic State President	Barry King
Joint Vic State President	Lou Kyriacou
Joint Vic State Assistant Secretary	Martin Kingham
Joint Vic State Assistant Secretary	Vacant

Vic State Senior Vice President	Frank O'Grady
Joint Vic State Vice President	Vilma Stargatt
Joint Vic State Vice President	Malcolm McDonald
Joint Vic State Vice President	Alex Findlay
Joint Vic State Vice President	Vacant

Victorian State Executive

Shall consist of the abovenamed persons being the Victorian Divisional Officers, Building Unions Victorian Divisional State Assistant Secretary and the FEDFA Victorian Divisional State Assistant Secretary plus FFTS Union Division Victorian Divisional Branch Senior Organiser.

Victorian State Conference

Shall consist of the persons who constitute the persons being the other members of the ATAIU Victorian Divisional Branch Management Committee, the BWIU Victorian Divisional Branch Management Committee and the FEDFA Victorian Branch Management Committee and the FFTS Union Division Victorian Divisional Branch Management Committee listed herein.

SOUTH AUSTRALIAN BRANCH

South Australian State Officers

SA State Secretary	Ben Carslake
SA State President	Quentin Cook
Joint SA Senior State Vice President	A. Johnson
Joint SA Senior State Vice President	D. Frater
Joint SA State Vice President	A. Young
Joint SA State Vice President	G. Bull
Joint SA State Vice President	D. Stapleton
Joint SA State Assistant Secretary	Terry Carrol
Joint SA State Assistant Secretary	Geoff Day
Joint SA State Assistant Secretary	J. McGirr

South Australian State Executive

Shall consist of the abovenamed persons being South Australian State Officers and

ATAIU SA Divisional Branch Assistant Secretary
FFTS SA Divisional Branch Assistant Secretary

South Australian State Conference

Shall consist of the persons who constitute South Australian State Executive set out above and the persons being the other members of the ATAIU South Australian Divisional Branch Management Committee, the Building Unions South Australian Divisional Branch Management Committee the FFTS Union Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee listed herein.

TASMANIAN BRANCH

Tasmanian State Officers

Joint Tas State Secretary	Max Cordwell
Joint Tas State Secretary	Mike Grey
Joint Tas State President	Shayne Murphy
Joint Tas State President	Leonard Miles
Tas State Senior Vice President	Stephen Hevey
Joint Tas State Vice President	J. Gill

Joint Tas State Vice President	Colin Butler
Joint Tas State Vice President	M. Collins
Joint Tas State Vice President	David Bean
Joint Tas State Vice President	Barry Bishop
Joint Tas State Vice President	Ray Carroll
Tas State Assistant Secretary	

Tasmanian State Executive

Shall consist of the Full Time Tasmanian State Officers.

Tasmanian State Conference

Shall consist of the persons listed as the Tasmanian State Executive set out above and, the other persons being the persons listed as members of the ATAIU Tasmanian Divisional Branch Management Committee, UMW Tasmanian Divisional Branch Management Committee, the Building Unions Tasmanian Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee and the FFTS Union Division Tasmanian Branch Management Committee listed herein.

AUSTRALIAN CAPITAL TERRITORY BRANCH

ACT State Officers

ACT State Secretary	George Wason
ACT State President	Rod Driver
Joint ACT State Vice President	Kate Lundy
Joint ACT State Vice President	J. McHugh
Joint ACT State Assistant Secretary	Trevor Zeltner
Joint ACT State Assistant Secretary	Stan Hambesis

ACT State Executive

Shall consist of the abovenamed persons listed as ACT State Officers.

ACT State Conference

Shall consist of those persons listed above as being the ACT State Executive and the other persons listed herein as members of the Building Unions ACT Divisional Branch Management Committee.

WESTERN AUSTRALIAN BRANCH

Western Australian State Officers

WA State Secretary	Bill Ethell
Joint WA State President	John Borlini
Joint WA State President	Alex A'Vard
Joint WA State Vice President	Gary Wood
Joint WA State Vice President	A. Baxter
Joint WA State Vice President	Ron Kielty
Joint WA State Vice President	A. Cook
Joint WA State Vice President	K. Reynolds
Joint WA State Assistant Secretary	Rick Todd
Joint WA State Assistant Secretary	Dave McIntyre

WA State Executive

Shall consist of the abovenamed persons listed as WA State Officers.

WA State Conference

Shall consist of those persons listed above as being the WA State Executive and the persons listed herein as members of the both Building Unions Divisional Branches' Management Committees, the members of the UMW WA District Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee.

QUEENSLAND BRANCH

Queensland State Officers

Joint Qld State Secretary	William Trohear
Joint Qld State Secretary	Greg Betts
Joint Qld State President	Andrew Vickers
Joint Qld State President	Peter Stone
Joint Qld State President	Des Holloway
Joint Qld State Senior Vice President	V. Robinson
Joint Qld State Vice President	B. Rushan
Joint Qld State Vice President	Kevin Anderson
Joint Qld State Vice President	Peter Neilson
Joint Qld State Assistant Secretary	Mark Hickey
Joint Qld State Assistant Secretary	Geoff Wilson
Joint Qld State Assistant Secretary	P. Waters

Queensland State Executive

Shall consist of the abovenamed persons listed as Queensland State Officers plus an additional person being the FFTS Union Division Qld Branch Assistant Secretary.

Queensland State Conference

Shall consist of those persons listed above as being the Queensland State Executive and the persons listed herein as members of the Building Unions Queensland Divisional Branch Management Committee, the members of the UMW Divisional Branch Management Committee and the members of the FEDFA Divisional Branch Management Committee and members of the FFTS Union Division Qld Divisional Branch Management Committee.

BUILDING UNIONS DIVISION

DIVISIONAL OFFICERS

Joint Divisional President	A. Littler
Joint Divisional President	B. Ethell
Divisional Secretary	S. Sharkey
Joint Divisional Assistant Secretary	J. Sutton
Joint Divisional Assistant Secretary	L. Fraser
Joint Divisional Senior Vice President	D. McDonald
Joint Divisional Senior Vice President	J. McGirr
Joint Divisional Vice President	C. Bates
Joint Divisional Vice President	M. Bingham
Joint Divisional Vice President	T. Burke

BUILDING UNIONS DIVISIONAL EXECUTIVE

The Divisional Officers of Building Unions Division as set out above, and

W. Trohear	Queensland
M. Cordwell	Tasmania
B. Carslake	South Australia

V. Raffa	Victoria
D. Cafferty	Victoria
G. Wason	Australian Capital Territory
D. Matthews	New South Wales
A. Rankin	New South Wales
B. Ethell	Western Australia
T. Carroll	Plasterers
K. Reynolds	WA Plasterers

BUILDING UNIONS DIVISIONAL CONFERENCE

The Divisional Officers of Building Unions Division and the Divisional Executive as set out above, and the following delegates from Building Unions Divisional Branches:

A. Ferguson	(NSW)	A. Wigchert	(QLD)
P. Grainger	(NSW)	M. Hickey	(QLD)
J. Briggs	(NSW)	T. Richardson	(QLD)
T. Morrison	(NSW)		
T. Mawdsley	(NSW)	F. O'Grady	(VIC)
J. Taylor	(NSW)	R. Williams	(VIC)
I. Smith	(NSW)	M. Kingham	(VIC)
B. Woodham	(NSW)	J. Saddington	(VIC)
T. McDonald	(NSW)		
E. Boatswain	(NSW)	R. Todd	(WA)

- together with the OPDU Federal Council as at the date of amalgamation.

BUILDING UNIONS DIVISIONAL TRUSTEES

W. Trohear	(QLD)
R. Driver	(ACT)

BUILDING UNIONS NSW DIVISIONAL BRANCH

Divisional State President	P. McClelland
Divisional State Secretary	D. Matthews
Joint Divisional State Assistant Secretary	A. Ferguson
Joint Divisional State Assistant Secretary	T. Burke
Joint Divisional State Assistant Secretary	A. Rankin
Divisional State Vice President	G. McArthur

BUILDING UNIONS NSW DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners
T. Morrison
J. Pineiro
I. Smith
L. Strutzenberger
M. Barrios

Bridge & Wharf
A. Melnikoff

Tilelayer
L. Quill

Bricklayers
H.D. Eisenhammer
A. Baxter

Builders Labourers
J. Ashdown
P. Balcombe
I. Gavin
S. Green

Stonemason
S. Cafarella

Slater & Tiler
M. Murphy

Plasterer
C. Howarth

Painters
J. Anning
J. Foster
J. Hoddle

BUILDING UNIONS NSW DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and -

Sydney Zone

Sydney Carpenters & Joiners
H. Brazao
P. Bristow
T. Connolly
P. Eggers
E. Elder
G. Kelly
F. Malis
P. Leyden
A. Zdrilic

Sydney Bricklayers
V. Catania
J. Taylor
M. McAliney

Sydney Builders Labourers
B. Granata
E. Harbidge
G. Sheen
D. Stean
J. McGee
S. Whetter

Country Zone

Country Carpenters & Joiners
L. Allen
R. Wills

Country Bricklayer
D. Atkinson

Country Builders Labourer
W. Shipman

Bridge & Wharf
C. Ford

Tilelayers
L. Quill

Slaters & Tilers
M. French

Stonemasons
J. Robinson

Plasterer
K. Andrews

Newcastle Zone

Newcastle Carpenters & Joiners
J. Allen
P. Cuskelly

Newcastle Bricklayer
L. Deeks

Newcastle Builders Labourer
E. Purins

Wollongong Zone

Wollongong Carpenters & Joiners
T. Gray
G. Karry

Wollongong Bricklayer
W. Hall

Wollongong Builders Labourer
M. Ward

BUILDING UNIONS NSW DIVISIONAL BRANCH TRUSTEES

T. Morrison
L. Strutzenberger
S. Green
J. Anning

BUILDING UNIONS NSW DIVISIONAL BRANCH ORGANISERS

B. Miller
P. Grainger
W. Baker
J. Briggs
B. Cochrane
N. Fodor
J. Higgins
J. Curruthers
J. Prentice
J. McKee
T. Hunt
M. Lawler
P. Zaboyak
M. Lynch
S. Manna
T. Mawdsley
D. Sullivan
C. Bates
J. Adams
J. McGahan
B. Beasley

Newcastle: R. Jarman

BUILDING UNIONS NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

T. McDonald
S. Sharkey
D. McDonald
J. Briggs
I. Smith
P. Grainger
J. Taylor
J. Sutton
T. Burke
E. Boatswain
D. Matthews
L. Fraser
C. Bates
A. Ferguson
T. Morrison
T. Mawdsley
B. Woodham

BUILDING UNIONS QLD DIVISIONAL BRANCH

Divisional State President — P. Stone
Divisional State Secretary — W.W. Trohear
Divisional State Assistant Secretary — M. Hickey
Divisional State Assistant Secretary — P. Waters
Divisional State Vice President — K. Anderson
Divisional State Vice President — B. Rushan

BUILDING UNIONS QLD DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

B. Tucker
P. Stone
T. Richardson
R. Bostock
K. Marcus
K. Anderson
B. Hopton
K. Bull
R. Vanderhorst
A. Pountey
F. Pearson
J. Gruer
G. Federer
B. Hall
G. Horn
B. McGill
M. Edwards

BUILDING UNIONS QLD DIVISIONAL BRANCH TRUSTEES

P. Stone

T. Richardson
R. Bostock
R. Vanderhorst

BUILDING UNIONS QLD DIVISIONAL BRANCH ORGANISERS

W. Perrett
D. Kersey
T. Richardson
K. Murphy
K. Carroll
G. Howcroft
A. Wigchert

BUILDING UNIONS QLD DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. Trohear
A. Wigchert
M. Hickey
T. Richardson

BUILDING UNIONS WA DIVISIONAL BRANCH

Divisional State President	A. Baxter
Divisional State Secretary	B. Ethell
Divisional State Assistant Secretary	R. Todd

BWIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

N. Houston
P. Alcantara
B. Churchill
B. Freeman
T. Bird
H. Johnson
M. Banks
J. Giles

BWIU WA DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

Perth
G. Curtin
R. Gaskell
C. Knight
B. Waller
A. De Klerk
M. Floud
N. Drayton
A. Hughes
K. Bulloch
J. Fitzgerald

Fremantle/Medina
C. Gorham
A. Phillips
J. Allison
P. Fairbotham
J. Curran

South West
J. McDonell

BWIU WA DIVISIONAL BRANCH ORGANISERS

D. Wildgoose
J. Gallagher

BWIU WA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Ethell
R. Todd

BUILDING UNIONS WA PLASTERERS DIVISIONAL BRANCH

Divisional State President	Mark Hudston
Divisional State Secretary	Kevin Reynolds
Divisional Branch Delegate to National Conference	Kevin Reynolds
Divisional State Vice President	Roy Cox
Divisional Committee of Management	James Hamilton
	Michael Naughton
Divisional Branch Organiser	Robert Manwaring

BUILDING UNIONS TAS DIVISIONAL BRANCH

Divisional State President	Stephen Hevey
Divisional State Secretary	Max Cordwell
Divisional State Assistant Secretary	T. Benson
Joint Divisional State Vice President	Ray Browne
Joint Divisional State Vice President	Ray Carroll
Joint Divisional State Vice President	M. Collins

BUILDING UNIONS TAS DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Adrian Telha	Paul Ridgeway
Roy Smedley	Grant Jackson
Ray Carroll	Gary Taylor
R. Edwards	L. Verrell

BUILDING UNIONS TAS DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

002 Area	003 Area
C. Green	A.J. Smith
A. Currie	L. Edwards
R. Dillon	P. Harris

004 Area

W. Maloney
B. Knowles
R. Doe

BUILDING UNIONS TAS DIVISIONAL BRANCH TRUSTEES

Max Cordwell	Stephen Hevey
Ray Browne	Adrian Telha
R. C. Edwards	A. R. Benson

BUILDING UNIONS TAS DIVISIONAL BRANCH ORGANISERS

Mark Telha
Martin Clifford
Ray Carroll

BUILDING UNIONS TAS DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

M. Cordwell

BUILDING UNIONS VIC DIVISIONAL BRANCH

Divisional State President	F. O'Grady
Divisional State Secretary	V. Raffa
Divisional Branch Assistant Secretaries	M. Kingham M. Bingham
Divisional State Vice President	B. Oliver

BUILDING UNIONS VIC DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners	**Builders Labourers**	**Painters**
R. Williams	T. Sinclair	M. Baird
R. Carter	R. Ryan	M. Garcia
G. Lavery	J. Nicol	K. B. Hughes
D. Van Dam	P. Lennon	P. Boyle
M. Santana	M. Bingham	M. Evans
W. Torpey	M. Ratel	
D. Noonan		
B. Giagnacovo		

Tilelayer	**Stonemason**
Z. Prazac	M. Newham

BUILDING UNIONS VIC DIVISIONAL BRANCH COUNCIL

Carpenters & Joiners	**Builders Labourers**
V. Nicoli	T. Bockting
K. Green	G. Young
D. Black	G. Miles
A. Moore	D. Noonan
W. Oliver	K. Hughes
H. Kotsabis	J. Bruce
D. Jacobson	J. McPartlin
G. Preddy	C. Leatham
D. Shacklock	

Stonemasons	**Tilelayers**
A. Patience	O. Kypta
G. Slack	Z. Prazak

Zone Delegates

Ballarat	Bendigo
V. Broes	T. Coleman

L. Brown
N. Davidson
N. Pyle
L. Worme

Brunswick
M. Kingham
W. McConnel
F. Stradijot

Camberwell
J. Baysinger
R. Bentley
S. Mitchell

Clifton Hill
F. Amarante
R. Collins
S. West

Essendon
D. Deprisco
T. Hancy
V. Raffa

Footscray
P. Leckie
F. Lopez
R. Storey

Geelong
J. Cody
J. O'Mara
B. Roche

Goulburn Valley
C. Craig
A. Kerris
P. O'Flaherty

Latrobe Valley
V. Beaton
M. Smith
A. Nabulsi

Melbourne
R. Carter
M. Santana
G. Tsotsos

Mordialloc
G. Burleigh
I. Nichol
P. Sullivan

Murray Valley
L. Fahey
S. Masterson
J. Salinger

Oakleigh
L. Bacolas
J. Medlyn
B. Smith

Preston
M. Collingburn
R. Lucas
N. Porter

Prahran
B. Giagnacovo
A. Medina
S. Delaney

Richmond
D. Blake
C. Commons
R. Hakainsson

South Western
K. O'Connor
A. Sargent
G. Sullivan

Sunraysia
A. Boldock
D. Costa
M. Dawes

Wimmera
R. Nesibit
G. Scott
A. Patterson

BUILDING UNIONS VIC DIVISIONAL BRANCH TRUSTEES

M. Kingham
B. Oliver
Vacant
M. Bingham
F. O'Grady
M. Baird

BUILDING UNIONS VIC DIVISIONAL BRANCH ORGANISERS

R. Welsh
T. Sinclair
R. Storey
W. Bingham
A. Medina
D. Jacobson
D. Noonan
P. Muldeary
H. Kotsabis
R. Carter
T. O'Kane
D. Riddell
G. Young
M. Kingham
M. Garcia

BUILDING UNIONS VIC DIVISIONAL BRANCH DELEGATES DIVISIONAL CONFERENCE

F. O'Grady
M. Kingham
V. Raffa
R. Williams
J. Saddington
M. Bingham

BUILDING UNIONS SA DIVISIONAL BRANCH

Divisional State President	A. Johnson
Divisional State Secretary	B. Carslake
Divisional State Vice President	G. Millar
Divisional State Vice President	D. Stapleton
Divisional State Assistant Secretary/Treasurer	T. Carroll
Divisional State Assistant Secretary/Treasurer	J. McGirr

BUILDING UNIONS SA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

BWIU	PLASTERERS	PAINTERS
F. Gosden	G. Parrish	George Tilley
T. Karrandjis	R. Watson	Greg Tilley
C. Morton	R. Bennett	Lambden
D. Sellmann	A. Spano	Weir
T. Middleton	S. Kesisoglou	McEwan
		Evans

BUILDING UNIONS SA DIVISIONAL BRANCH ORGANISERS

M. Gnatenko
H. Koemecker
M. Bella

BUILDING UNIONS SA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Carslake

BUILDING UNIONS ACT DIVISIONAL BRANCH

Divisional State President	R. Driver
Divisional State Secretary	G. Wason
Joint Divisional State Assistant Secretary	S. Hambesis

Joint Divisional State Assistant Secretary	T. Zeltner
Divisional State Vice President	K. Lundy
Divisional State Vice President	J. McHugh

BUILDING UNIONS ACT DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Pyner	J. Grey Reitz
A. Dillon	D. Rail
J. Long	G. Roderick
T. Lagoya	L. Lancsar
J. Diamante	B. Larke
G. McGowan-Lay	G. Cleghorn
P. Johnstone	P. Trapani

BUILDING UNIONS ACT DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

D. Thompson	G. Kirkwood
B. Norman	G. Frasin
C. Kaskoutas	W. Thompson
M. Morgan	J. Clyde
T. Gooden	R. Hemsley

BUILDING UNIONS ACT DIVISIONAL BRANCH TRUSTEES

G. Wason	R. Driver
S. Hambesis	K. Lundy
G. McGowan-Lay	

BUILDING UNIONS ACT DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

G. Wason

ATAIU DIVISIONAL BRANCH OFFICE HOLDERS

ATAIU DIVISIONAL OFFICERS

Divisional President	G. Hillier
Divisional Secretary	T. Smith
Divisional Assistant Secretary	C. Northover
Divisional Senior Vice President	S. Murphy
Joint Divisional Vice President	P. Illidge
Joint Divisional Vice President	B. King

ATAIU DIVISIONAL TRUSTEES

J. Tuckwell	Q. Cook
V. Stargatt	

Who form the Divisional Executive, and who with the following form the Divisional Conference

A. Roberg (SA)
C. Butler (TAS)
J. Gallogley (NSW)
M. Schuppan (NSW)
J. Beeson (VIC)
E. Swainston (VIC)
A. Dunlop (Pulp & Paper)
M. St Clair (SA)
B. Anderson (NSW)
J. Quartermaine (NSW)
B. Campbell (NSW)
B. Murpy (VIC)
M. Graham (Pulp & Paper)

ATAIU SA DIVISIONAL BRANCH

ATAIU SA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Young
Divisional Branch Secretary	Q. Cook
Divisional Branch Vice Presidents	M. St Clair
	A. Roberg

ATAIU SA DIVISIONAL BRANCH TRUSTEES

E. Cathro
J. Nicks
P. Martinella

Who form the Executive.

ATAIU SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

L. Barry
L. Kilsby
G. Schultz
B. Lockwood
T. Goodrich
F. Beimans
L. Pelkonen

ATAIU SA DIVISIONAL COUNCIL DELEGATES

M. St Clair
T. Smith
A. Young
Q. Cook

ATAIU NSW DIVISIONAL BRANCH

ATAIU NSW DIVISIONAL BRANCH OFFICERS

Divisional President	B. Anderson
Divisional Secretary	G. Hillier
Divisional Assistant Secretary	J. Tuckwell
Divisional Vice Presidents	G. Sacco
	J. Gallogley

ATAIU NSW DIVISIONAL BRANCH TRUSTEES

S. McDonald
B. Campbell
M. Schuppan

Who are officers and form the Executive.

ATAIU NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

W. Englert
S. Hudson
W. Sentance
C. Brooks
K. Yelverton
J. Quartermain
C. McGowan

ATAIU NSW DIVISIONAL COUNCIL DELEGATES

G. Hillier
J. Gallogley
J. Quartermain
B. Campbell
B. Anderson
S. McDonald
K. Yvelton

ATAIU VIC DIVISIONAL BRANCH

ATAIU VIC DIVISIONAL OFFICERS

Divisional President	V. Stargatt
Divisional Secretary	B. King
Divisional Vice Presidents	V. Iluk
	E. Swainston

ATAIU VIC DIVISIONAL BRANCH TRUSTEES

J. Beeson
B. Murphy
T. Carley

ATAIU VIC DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

J. Browne
P. Love
T. Stinton
S. Wilson
B. Harms
R. Owens
C. Walkear
P. Tait

ATAIU VIC DIVISIONAL COUNCIL DELEGATES

V. Stargatt
J. Beeson
B. Murphy
M. Lynch
E. Swainston

ATAIU TAS DIVISIONAL BRANCH

ATAIU TAS DIVISIONAL BRANCH OFFICERS

Divisional President	C. Butler
Divisional Secretary	S. Murphy
Divisional Vice Presidents	R. Ford
	D. Turriff

ATAIU TAS DIVISIONAL BRANCH TRUSTEES

C. Butler
R. Smith
S. Cahoon

ATAIU TAS DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

M. Barber
R. Foster
D. Harkes
B. Riley
S. Cahoon
R. French
N. Lincoln
R. Smith

ATAIU TAS DIVISIONAL COUNCIL DELEGATES

C. Butler
S. Murphy

ATAIU WA DIVISIONAL BRANCH

ATAIU WA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Cook
Divisional Branch Secretary	A. A'Vard
Divisional Branch Vice President	D. Murie
Divisional Branch Treasurer	R. Taylor

ATAIU WA DIVISIONAL BRANCH TRUSTEES

P. McCarthy
R. Henry
K. Smith

ATAIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

R. J. Smith
R. Reiter
V. McGlinn
G. P. Jaeschke
W. J. Hall
C. Hagelund
K. Cameron
J. Savage
M. Bennett

ATAIU NO. 7 DIVISIONAL BRANCH

ATAIU NO. 7 DIVISIONAL BRANCH OFFICERS

Divisional Branch President	P. Illidge
Divisional Branch Secretary/Treasurer	C. Northover
Divisional Branch Assistant Secretary/Treasurer	M. Graham
Divisional Vice Presidents	A. Dunlop
	R. Johnson

ATAIU NO. 7 DIVISIONAL BRANCH TRUSTEES

C. Northover
M. Graham

ATAIU NO. 7 DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

D. Garlick
T. Mackerell
N. Anderson
N. Allen
M. Donoghue
J. Wright
G. Aston
G. Morley
C. Glaubitz
D. McKay
P. Graham
T. Kelly

W. Hardy	G. Lincoln
G. Draper	T. Dwyer

ATAIU NO. 7 DIVISIONAL COUNCIL DELEGATES

C. Northover	M. Graham
P. Illidge	

ATAIU NOWRA SUB-BRANCH

President	Peter Graham
Senior Vice President	Harry Knowles
Junior Vice President	Tim Cato
Secretary-Treasurer	Mervyn Donoghue
Committee of Management	Rhonda Shelley
	Jim Evans
	Ray Clarke
	Alan Whitton

Delegate to No. 7 Branch	
Committee of Management	Mervyn Donoghue
	Peter Graham

ATAIU BURNIE SUB-BRANCH

President	George Draper
Senior Vice President	Barry Connors
Junior Vice President	Eric Edwards
Secretary-Treasurer	Geoffrey Lincoln

Committee of Management

Alan Claridge	Graham Wells
Anthony Johnson	Andrew Crawn
Jack Wylie	Russell Norton
Danny Rowlands	Richard Troughton
Noel Stubbs	Rex Berry

Delegate to No. 7 Branch	
Committee of Management	Geoffrey Lincoln
	George Draper

ATAIU PORT HUON SUB-BRANCH

President	Barry Young
Senior Vice President	Colin McMullin
Junior Vice President	Jeff Parsons
Secretary-Treasurer	Wayne Hardy

Committee of Management

Neville Burgess	Graeme Goaman
David Greatbatch	Ricky Cowen

Delegate to No. 7 Branch	
Committee of Management	Wayne Hardy

ATAIU MYRTLEFORD SUB-BRANCH

President	Vacant
Senior Vice President	Bruce Dale
Junior Vice President	Paul Ryan
Secretary-Treasurer	Trevor Dwyer
Committee of Management	Oliver Evans
	Colin Richardson
	Trevor Davis
	Robert Arnold
	Christopher Stone
Delegate to No. 7 Branch	
Committee of Management	Trevor Dwyer

ATAIU MARYVALE SUB-BRANCH

President	Neville Anderson
Senior Vice Persident	Charles Glaubitz
Junior Vice President	Cidge Fabris
Secretary/Treasurer	Graeme Morley
Committee of Management	
Steven Gilham	Robert Brown
Vernon Jones	Charles Stuart
Geoffrey Dorling	Brian McNamara
Peter Morris	Steven Mason
Wayne Snell	Vincent Nabel
Delegates to No. 7 Branch	
Committee of Management	Neville Anderson
	Charles Glaubitz
	Graeme Morley
Delegates Gippsland Trades &	
Labour Council	Graeme Morley
	Vernon Jones
	Brian McNamara
	Robert Brown

ATAIU SYDNEY SUB-BRANCH

President	Donald McKay
Senior Vice Pesident	Ron McElhinney
Junior Vice President	Edward Pram
Secretary-Treasurer	Philip Illidge
Committee of Management	
William Daly	Les Smith
William Flowers	Anthony De Bono
Harry Marshall	Wayne Trewella
Mark Skennerton	Joseph Bodor
Delegates to No. 7 Branch	
Committee of Management	Philip Illidge
	Donald McKay

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ATAIU BROADFORD SUB-BRANCH

President	Vacant
Senior Vice President	Vacant
Junior Vice President	Vacant
Secretary-Treasurer	Len Allen
Committee of Management	Garry Nesbitt
	Terry Hobson
	Alan Cole
	Craig Waters
Delegate to No. 7 Branch Committee of Management	Len Allen

ATAIU MILLICENT SUB-BRANCH

President	John Wright
Senior Vice Pesident	Trevor Kelly
Junior Vice President	Richard Watts
Secretary-Treasurer	Robert Johnston
Committee of Management	Michael King
	Graeme Richards
	Mavis Kloock
	Graeme Richardson
	Gilbert Mouat
	Helen Walker
Delegates to No. 7 Branch Committee of Management	John Wright
	Trevor Kelly
	Robert Johnston

ATAIU MELBOURNE SUB-BRANCH

President	David Garlick
Senior Vice President	George Ashton
Junior Vice President	Vacant
Secretary-Treasurer	Alexander Dunlop

Committee of Management

William Horton	Stan Mazur
Terry Mackerell	Steve Morris
Tom Donelly	Ian James
Alex Miller	Michael Adamopolous

Delegates to No. 7 Branch Committee of Management	Alexander Dunlop
	David Garlick
	George Aston

Delegates to Victorian Trades Hall Council	Alexander Dunlop William Horton Terry Mackerell Malcolm Graham

UMW DIVISION

In accordance with Rule 42 - Transitional Provisions of the Rules of the Union being the National Rules the officers of the previously existing Mining Division immediately prior to the date of effect of the amalgamation shall be, on and from the date of effect of amalgamation the officers of the UMW Division which is the new name for the previous Mining Division and the only change therein shall be, to the extent necessary, the change in the title of office to reflect the change in the name of the Division from Mining Division to UMW Division.

FEDFA DIVISION

DIVISIONAL OFFICERS

Divisional President	M. McDonald
Divisional Secretary	V. Fitzgerald
Divisional Assistant Secretary	T. Maher

FEDFA DIVISIONAL EXECUTIVE

The Divisional Officers of FEDFA Division as set out above, and

I. Peel	New South Wales
J. Van Camp	Victoria
G. Betts	Queensland
G. Day	South Australia
B. O'Neil	Barrier
M. Grey	Tasmania
D. McIntyre	Western Australia

FEDFA DIVISIONAL CONFERENCE

The Divisional Officers of FEDFA Division and the Divisional Executive as set out above, and the following delegates from FEDFA Divisional Branches:

T. Maher	(NSW)
P. Jordan	(NSW)
B. Neilson	(VIC)
M. Hill	(VIC)
D. Holloway	(QLD)
G. Purtill	(QLD)
L. Wilson	(QLD)
B. Samson	(Barrier)
M. Buckley	(SA)
B. Low	(WA)
R. Harrison	(TAS)

FEDFA NSW DIVISIONAL BRANCH

Divisional Branch President	M. Smith
Divisional Branch Secretary	I. Peel
Divisional Branch Assistant Secretary	S. Gartrell

FEDFA NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above,

FEDFA NSW DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and regional delegates and organisers stated below,

Metropolitan
P. Wormleaton
R. Johnson
B. Francis
D. Whitehead
D. Dunn

Northern Region
N. Rose
M. Sealby
G. Webb
D. Owens
J. Nixon

Southern Region
K. Anderson
B. Barnham
G. Freeman
T. Potter

Western Area
R. Fuller
W. Williams

FEDFA NSW DIVISIONAL BRANCH ORGANISERS

Metropolitian
G. Avouris
T. Grant
S. Cochran

Northern
M. Beehag
S. Harding
L. Sinclair

Riverina
S. King
J. Wilson

Western
G. Childs

Southern
H. Miller

Mining
P. Jordan

Energy
A. Drew

FEDFA NSW DIVISIONAL BRANCH TRUSTEES

D. Dunn
L. Robinson
J. Owens

FEDFA NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

V. Fitzgerald

T. Maher
P. Jordan
I. Peel

FEDFA VICTORIAN DIVISIONAL BRANCH

Divisional Branch President	M. McDonald
Divisional Branch Secretary	J. Van Camp
Divisional Branch Assistant Secretary	M. Greenbury
Divisional Branch Vice President	M. Hill

FEDFA VICTORIAN DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

M. French
D. McDonald
D. Baker
J. Kadziela
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional Officers as set out above, and -

SECV Yallourn
P. Wilson

SECV Morwell
G. Reid

SECV LaTrobe
(vacant)

Country Provisional
W. Fleet
M. French
T. McKenzie
P. Skinner

Metropolitian
D. Baker
J. Kadziela

Organisers Rep.
A. Riley
M. Hallett
D. McDonald
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH ORGANISERS

W. Fleet
M. French
R. Hallett
M. Hill
A. Riley

TRUSTEES

M. McDonald
J. Van Camp

FEDFA VICTORIAN DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

J. Van Camp
M. McDonald
M. Hill
B. Nielson

FEDFA BARRIER DIVISIONAL BRANCH

Divisional Branch President	B. Samson
Divisional Branch Secretary	W. O'Neil
Divisional Branch Vice President	R. Hunter

FEDFA BARRIER DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above,

FEDFA BARRIER DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

D. Brennan	R. Adams
A. Fraser	B. Sayers
E. Snaith	

FEDFA BARRIER DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. O'Neil	B. Samson

TRUSTEES

R. Adams	B. Sayer
E. Snaith	

FEDFA TASMANIAN DIVISIONAL BRANCH

Divisional Branch President	B. Bishop
Divisional Branch Secretary	M. Grey

FEDFA TASMANIAN DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and - D. Dawson

FEDFA TASMANIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

Launceston	**Hobart**
D. Dawson	M. Hyland
Devonport	**Tullah**
(vacant)	T. Jones
Burnie	**Savage River**
L. Britton	R. Harrison
Rosebery/Lyell	**Organisers**
N. Hartnell	D. Moncrieff
	B. Best

FEDFA TASMANIAN DIVISONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

M. Grey R. Harrison

FEDFA WA DIVISONAL BRANCH

Divisional Branch President (vacant)
Divisional Branch Secretary (vacant)

FEDFA WA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

FEDFA WA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

P. Bates I. Douglas
T. Feeney D. Hellyer

FEDFA WA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

B. Low
(vacant)

FEDFA SA DIVISIONAL BRANCH

Divisional Branch President G. Bull
Divisional Branch Secretary G. Day
Divisional Branch Vice President F. Stonys

FEDFA SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Rogers R. Brewer

FEDFA SA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

J. Rodgers K. Maywald
F. Grosso F. Harrison
R. Brewer

ORGANISER

R. Brewer

FEDFA SA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

G. Day
M. Buckley

FEDFA QUEENSLAND DIVISONAL BRANCH

Divisional Branch President	D. Holloway
Divisional Branch Secretary	G. Betts
Divisional Branch Assistant Secretary	G. Wilson

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

S. Douglas	B. Scheuber
C. Swift	R. Coleman
L. Wilson	J. Spencer

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch State Management Committee as set out above, and -

M. Dowvendans	T. Quaid
L. Genrich	N. Rampton
R. Beattie	H. Heumiller
J. Rossington	C. Price
(vacant)	

FEDFA QUEENSLAND DIVISIONAL BRANCH ORGANISERS

D. Bloxsom	H. Heumiller
G. Flack	C. Price
C. Gillespie	T. Rosier
J. Rossington	B. Stacker
R. Tremlin	

FEDFA QUEENSLAND DIVISIONAL BRANCH TRUSTEES

D. Holloway	S. Douglas
G. Betts	L. Wilson

FFTS UNION DIVISION

DIVISIONAL OFFICERS

Divisional President	A. Findlay
Divisional Secretary	L. Kyriacou
Divisional Assistant Secretary	M. Haritou
Divisional Senior Vice-President	S. Wales
Divisional Junior Vice-President	D. Frater

FFTS UNION DIVISIONAL EXECUTIVE

The Divisional Officers of the FFTS Union Division as set out above, and

A. Smith	New South Wales
V. Robinson	Queensland

FFTS UNION DIVISIONAL CONFERENCE

The Divisional Officers of the FFTS Union Division and the Divisional Executive as set out above, and the following delegates from the FFTS Union Divisional Branches;

W. Brown (VIC)
M. Findlay (VIC)
R. Smith (NSW)
R. Groat (SA)
A. Cookson (QLD)
R. Orange (TAS)

FFTS UNION VIC. DIVISIONAL BRANCH

Divisional Branch President	M. Mitten
Divisional Branch Secretary	L. Kyriacou
Divisional Branch Assistant Secretary	A. Findlay
Divisional Branch Senior Vice-President	W. Brown
Divisional Branch Junior Vice-President	C. Avent
Divisional Branch Organiser	M. Haritou
Divisional Branch Organiser	R. Shugg

FFTS UNION VIC. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch Officers as set out above and -

A. Frazer	N. Hazeldine
G. Lee	P. Linzos
J. Maines	J. O'Brien
J. Patti	J. Robins
I. Whitcroft	L. Zanandrea
J. Calvert	

FFTS UNION NSW DIVISIONAL BRANCH

Divisional Branch President	R. Smith
Divisional Branch Secretary	S. Wales
Divisional Branch Assistant Secretary	R. Smith
Divisional Branch Vice-President	J. Callaway
Divisional Branch Organiser	Jack Lawrence

FFTS UNION NSW DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

J. Campbell	R. Davies
K. Campbell	W. Kraan
Robert Cumbo (Trustee)	Harry Irvine (Trustee)

FFTS UNION S.A. DIVISIONAL BRANCH

Divisional Branch President	R. Groat
Divisional Branch Secretary	D. Frater
Divisional Branch Assistant Secretary	S. Rowe
Divisional Branch Senior Vice-President	J. Emery

Divisional Branch Junior Vice-President	A. Reeves
Divisional Branch Organiser	S. Rowe
Divisional Branch Organiser	P. Wong
Divisional Branch Organiser	T. Woods

FFTS UNION S.A. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

B. Billington	M. Brownlie
P. Crisanti	A. Czora
A. Howlett	J. Salter
G. Whitford	

FFTS UNION QLD DIVISIONAL BRANCH

Divisional Branch President	G. William
Divisional Branch Secretary	V. Robinson
Divisional Branch Vice-President	A. Amos
Divisional Branch Assistant Secretary	A. Cookson

FFTS UNION QLD. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and - G. Dawson

FFTS UNION TAS DIVISIONAL BRANCH

Divisional Branch President	S. Negus
Divisional Branch Secretary	J. Gill
Divisional Branch Assistant Secretary	R. Orange
Divisional Branch Vice-President	C. Schoenwald
Additional Divisional Branch Executive member	W. Picken
Additional Divisional Branch Executive member	P. Green

FFTS UNION TAS DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

C. Sproule
W. Bandlow

END OF RULES

[105N-FED: incorporates alterations of 14/6/07 in matter R2007/255]

I CERTIFY under section 161 of Schedule 1 of the Workplace Relations Act 1996 that the pages herein numbered 1 to 92 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the Construction, Forestry, Mining and Energy Union
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1 - NAME

The name of the Union shall be the "Construction, Forestry, Mining and Energy Union".

2 - CONSTITUTION

(A)(A)The Union shall consist of an unlimited number of persons whether male or female

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in

paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;
(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union shall consist of an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

(l) persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connexion with the production or preparation of manufactured goods, plant, machinery, equipment, packages or containers for sale or purposes of distribution.

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker

Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due